

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 57                      HON. PAUL G. BRECKENRIDGE, JR., JUDGE

CHURCH OF SCIENTOLOGY OF CALIFORNIA,                      )

Plaintiff,                      )

vs.                      )

No. C 420153

GERALD ARMSTRONG,                      )

Defendant.                      )

-----  
MARY SUE HUBBARD,                      )

Intervenor.                      )

REPORTERS' TRANSCRIPT OF PROCEEDINGS

Thursday, May 3, 1984

APPEARANCES:

(See Appearances Page)

**COPY**

VOLUME 4  
Pages 431 - 597

NANCY L. HARRIS, CSR 644  
HERBERT CANNON, CSR 1923  
Official Reporters

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

APPEARANCES:

For the Plaintiff:

PETERSON & BRYNAN  
BY: JOHN G. PETERSON  
8530 Wilshire Boulevard  
Suite 407  
Beverly Hills, California 90211  
(213) 659-9965

-and-

ROBERT N. HARRIS  
The Oviatt Building  
617 South Olive Street  
Suite 915  
Los Angeles, California 90014  
(213) 626-3271

For the Intervenor:

LITT & STORMER  
BY: BARRETT S. LITT  
Paramount Plaza  
3550 Wilshire Boulevard  
Suite 1200  
Los Angeles, California 90010  
(213) 386-4303

-and-

BARRETT S. LITT  
BY: MICHAEL S. MAGNUSON  
The Oviatt Building  
617 South Olive Street  
Suite 1000  
Los Angeles, California 90014  
(213) 623-7511

For the Defendant:

CONTOS & BUNCH  
BY: MICHAEL J. FLYNN  
-and-  
JULIA DRAGOJEVIC  
5855 Topanga Canyon Boulevard  
Suite 400  
Woodland Hills, California 91367  
(213) 716-9400

VOLUME 3

I N D E X

<u>Day</u>	<u>Date</u>	<u>Session</u>	<u>Page</u>
Thursday	May 3, 1984	A.M.	431
		P.M.	506

---

W I T N E S S E S

<u>PLAINTIFF'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
KEIR, Donald	485	492		
BOWMAN, William L.	494	502	504	
MORROW, James L.	506	518	540	
VORM, Tom	542	567		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBITS

<u>PLAINTIFF'S</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
1 - Letter from L. Ron Hubbard	486	
2 - Exemplar card	487	492
3 - Exemplar card	487	492
4 - Comparison letter	499	504
5 - Comparison letter	499	504
6 - Vouchers	511	514
7 - Letter, Advanced Organization, St. Hill	515	541
8 -	515	541
9 -	515	541
10 - Letter dated 12-11-79	547	556
11 - Document dated 6 Jan '80	552	555
12 - Chart	554	
<u>DEFENSE:</u>		
A - Trust deed	536	
B - Petition	571	571

1 LOS ANGELES, CALIFORNIA; THURSDAY, MAY 3, 1984; 9:15 A.M.

2 -o0o-

3  
4 THE COURT: Good morning, Counsel.

5 MR. LITT: Good morning.

6 MR. HARRIS: Good morning.

7 MS. DRAGOJEVIC: Good morning.

8 MR. FLYNN: Good morning, Your Honor.

9 THE COURT: Plaintiff ready to proceed?

10 MR. LITT: Yes, we are, Your Honor.

11 THE COURT: Well --

12 MR. HARRIS: I should introduce myself. I am  
13 Robert N. Harris, H-a-r-r-i-s, and I have been associated  
14 in representing the Church of Scientology of California.

15 THE COURT: All right. Defense ready to proceed?

16 MR. FLYNN: We are, Your Honor.

17 We filed a motion for costs which we are not  
18 going to present at the present time.

2f.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

T2

1 THE COURT: I have read and considered the motion. I  
2 am not going to rule on it at this time. I'll simply it off  
3 calendar -- on second thought, I won't put it off calendar.  
4 I'll deny it without prejudice. I'm not disposed to do that.

5 All right. Who is going to be the counsel  
6 in presenting this thing for the plaintiff? Let's try to  
7 get our act organized.

8 MR. LITT: It will vary, Your Honor. For purposes of  
9 the opening, I'll present an opening on behalf of both plaintiffs  
10 Our plan with respect to direct, one of the other counsel  
11 will present the direct on this particular witness.

12 THE COURT: The lawyer that conducts the direct will  
13 be the only lawyer that will be permitted to object on  
14 cross-examination or argue to the court on rulings. I  
15 don't want a triumverate of lawyers arguing each objection  
16 for one side or the other. It is the same rule for the  
17 defense as well.

18 MR. LITT: That is fine with one exception that I  
19 would like to make clear, Your Honor. One of the reasons  
20 there is separate counsel for the church and Mrs. Hubbard  
21 is we feel the way the case is framed, there are separate  
22 issues that apply to each. We'll designate one counsel  
23 for each plaintiff to act. And we'll not -- essentially the  
24 person who handles the direct will be the main lawyer on  
25 the plaintiff's side to take responsibility for that. But I  
26 don't want to be precluded or have Mr. Harris precluded  
27 from being able to act with respect to the particular client  
28 that is being represented on a matter that comes up. That is

1 all.

2 MR. FLYNN: I would like to raise one point on procedure:  
3 In terms of presentation of the evidence, it is my under-  
4 standing that the plaintiff should go first; present its case  
5 and then the intervenor should proceed and present her  
6 case.

7 THE COURT: I'll let the plaintiffs -- much of this  
8 evidence would overlap anyway. I don't really see that we  
9 should try to departmentalize the evidence. I'll let the  
10 plaintiff present their evidence as they see fit.

11 Are you going to be conducting the examination  
12 of witnesses, Mr. Flynn?

3f

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

T3

1           MR. FLYNN: I am, Your Honor. What I had in mind,  
2 maybe to clarify a little more, in other words, rather than  
3 the plaintiff proceed, the defendant conduct the cross, the  
4 intervenor proceed and the defendant conduct the cross, I  
5 was wondering what the court had in mind?

6                     Is the plaintiff going to proceed with the  
7 witnesses, then the intervenor examine the witnesses and then  
8 me?

9           THE COURT: Yes. If there is to be more than one --

10           MR. LITT: On direct that is not a problem, Your Honor.  
11 We don't intend to have Mr. Harris do a direct and then me  
12 do another direct or a cross or whatever. So that is not  
13 a problem.

14                     Obviously on cross-examination of Mr. Flynn's  
15 witnesses, depending on the circumstances, both counsel for  
16 the plaintiffs may examine at that stage, but in terms of  
17 our case that is not our intention.

18           THE COURT: If you are going to call the witness,  
19 Mr. Litt, then you can conduct your examination, and I will  
20 ask Mr. Harris if he has any additional questions he wants  
21 to elicit on direct examination at this point because the  
22 interests are basically allied, and then defense will have  
23 an opportunity to cross-examine, and there will be rebuttal.

24                     Are you going to be --

25           MR. FLYNN: I am, Your Honor. I will conduct the  
26 entire trial unless I am called as a witness, in which event  
27 Miss Dragojevic will conduct that part of the trial when I  
28 am on the witness stand.



1           THE COURT: What about these exhibits which have been  
2 identified by the parties as exhibits they, at least initially,  
3 intend to use in this trial; are they up here? Shouldn't we  
4 order them up here now at this time so we have them available  
5 or are we going to be needing them?

6           MR. FLYNN: I think they should be brought up.

7           MR. LITT: It remains our intention, Your Honor,  
8 not to introduce any documents that are under seal, at least  
9 until such time as the court has admitted them by the defendant  
10 over our objection. The court is obviously aware of the  
11 reasons for that, so we don't see the necessity of them at  
12 this time, at least.

13                   I don't know, I suppose Mr. Flynn may try to  
14 open the door from the beginning by trying to bring them in  
15 through our witnesses.

16           THE COURT: Well, that may be cross-examination.  
17 I don't know. With reference to some of these exhibits, I  
18 don't know.

19           MR. FLYNN: There will be, Your Honor.

20           THE COURT: In what form have these been separated  
21 out from the bulk of the documents? Are they in a separate  
22 box now?

23           MR. FLYNN: They are.

24           THE COURT: Both the plaintiffs' and the defendants'  
25 additional, are they in envelopes as I understand it or  
26 something?

27           MR. FLYNN: They are segregated by plaintiff and by  
28 defendant, and at the end of the day yesterday, I believe, the

1 plaintiff was in one box and the defendant was in another.

2 THE COURT: Let's order those exhibits brought up.

3 MR. LITT: Your Honor, has the defendant prepared an  
4 exhibit list of the exhibits that have been designated?

5 (Mr. Flynn hands document to Mr. Litt.)

6 THE COURT: Have you got a copy for me and for the  
7 clerk?

8 MS. DRAGOJEVIC: Yes, Your Honor.

9 THE COURT: Well, the clerk wants a copy obviously  
10 and I should have a copy.

11 MR. FLYNN: We will make another, Your Honor.

12 THE CLERK: Do you want them all?

13 THE COURT: I just want the ones that both sides have  
14 identified as ones they propose to use, possibly use.

15 MR. FLYNN: We may not offer all of those, Your Honor.  
16 We pulled the ones that we thought were relevant to the issues  
17 in the case.

18 THE COURT: I don't understand what you have done here.  
19 I am with you up to double Z and then you have got 3-A, 3-B,  
20 3-C.

21 MR. FLYNN: In terms of since we were assigned the  
22 letter system, we would have had to go to four A's and then  
23 put four A's in a row on a piece of paper, so rather than put  
24 four A's, we put 4 dash A.

25 THE COURT: Oh, I see. It is triple A.

26 The clerk can worry about that, I guess.

27 What about the plaintiff; did you prepare a  
28 list?

1           MR. LITT: There's already been one submitted, Your  
2 Honor. It is no different. We submitted a separate list  
3 of sealed documents, separate from our regular exhibit list.

4           Now, the numbers that the court has on those,  
5 they are just sequentially numbered. My suggestion would be  
6 that any such sealed documents begin instead of with 1, with  
7 101 and then we will have from 1 to 100.

8           THE COURT: That is all right.

9           MR. FLYNN: There is one other procedural matter,  
10 Your Honor.

11           One of the first pieces of evidence that we  
12 will introduce is the letter from Mr. Hubbard. That is  
13 presently in the court file. The original, I don't believe,  
14 is up here.

15           We can either proceed with a copy, if that is  
16 agreeable to the court and the defendant or we can order the  
17 original up, but the court will have to do that.

18           MR. FLYNN: Your Honor, we are prepared to litigate  
19 the issue of its admissibility in terms of the availability  
20 of Mr. Hubbard. We are in the process of subpoenaing a witness  
21 who we think will be pretty much able to provide the court  
22 conclusive evidence of Mr. Hubbard's availability so as to  
23 make the document inadmissible. If the court was going to  
24 take it de bene and until we had the opportunity to put on  
25 our evidence with regard to his availability, that is a  
26 possible point of procedure. But we would object to its  
27 admissibility at this point in time if for no other reason  
28 on the grounds of the availability of Mr. Hubbard.

1 MR. LITT: Your Honor, at this point --

2 MR. HARRIS: Excuse me, Your Honor. Mr. Flynn used  
3 a word which I didn't understand which was "de bene." Is that  
4 a legal word that Your Honor is familiar with?

5 THE COURT: No, I wasn't sure.

6 MR. FLYNN: In Massachusetts it is accepting evidence  
7 that during the pendency of the trial temporarily to be  
8 ruled on at the end of the trial as to whether it is finally  
9 admitted into evidence.

T4

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

T4 1 THE COURT: Well, we can order up the original if we  
2 can identify it.

3 Has it been marked in some other proceeding?  
4 Has Judge Cole specially marked it?

5 MR. LITT: Judge Cole, as far as I know, just ordered  
6 it placed in the file. The date of it is February, '83,  
7 to the extent that that helps find where it is.

8 I have been informed that it is being held  
9 specially by the clerk.

10 THE COURT: We can order it specially brought up  
11 here alone with the other exhibits.

12 I don't think we should get started until we  
13 get these exhibits up here and see what order they are in  
14 so that the clerk can get an opportunity to see how we can  
15 handle these up here at least mechanically.

16 Were you going to make an opening statement,  
17 gentlemen?

18 MR. LITT: Yes, Your Honor.

19 THE COURT: Okay. Let's take our recess until we get  
20 these exhibits up here.

21 (Recess.)  
22  
23  
24  
25  
26  
27  
28

4a  
1 THE COURT: All right. In the case on trial, let  
2 the record reflect that all counsel are present.

3 The record should reflect that apparently all  
4 the exhibits identified by the parties are now in court  
5 and are available to the parties if and when there is a  
6 request for such.

7 Do the plaintiffs desire to make an opening  
8 statement?

9 MR. LITT: Yes.

10 THE COURT: You may do so, Mr. Litt.

11 MR. LITT: Your Honor, I hope to make this opening  
12 statement brief. One advantage of having waived a jury is  
13 that I don't have to explain to the court, obviously, how  
14 some of the evidence works. But I do want to summarize  
15 for the court the evidence that we'll present which will  
16 establish that Mr. Armstrong has committed the torts which  
17 we have claimed in the complaint and which will establish  
18 that we are entitled to receive back the originals and copies  
19 of all of the materials presently under seal.  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                   This case can be described in a brief way as  
2 a story of the betrayal of a sacred trust held by Gerald  
3 Armstrong who was entrusted by the Church of Scientology to  
4 care for the very private papers and archives held by the  
5 church, mainly composed of the private papers of L. Ron Hubbard,  
6 also of many private papers of Mary Sue Hubbard and of the  
7 church itself.

8                   It is the story of how Mr. Armstrong took  
9 these papers, many originals and copies of these papers,  
10 gave them to Michael Flynn for the purpose of using them to  
11 attack the Hubbards, to invade their privacy, and in an  
12 effort to discredit by using their most personal and private  
13 materials.

14                   L. Ron Hubbard, as the court is aware, is the  
15 revered founder of the religion of Scientology, and within  
16 Scientology he is revered as the man who has developed the  
17 religion which is followed by millions of people around the  
18 world.

19                   He and Mary Sue Hubbard, who is present in  
20 court today with us, have been married for over 30 years.  
21 Mr. Hubbard presently is in seclusion. His whereabouts are  
22 not known. He has been in seclusion for the past four years  
23 and he is not personally available.

24                   For many years Mary Sue Hubbard held a post  
25 within the Church of Scientology known as the controller post,  
26 and I will explain that more. I just want to briefly cover  
27 the parties and the actors so that we are all clear on who  
28 they are.

1                   The Church of Scientology of California,  
2                   which is the other plaintiff along with Mrs. Hubbard, is a  
3                   religious corporation which was founded in 1954 and bases  
4                   itself upon the philosophy and religious views of L. Ron Hubbard.

5                   It is that church of which Mr. Armstrong was  
6                   a staff member for the period when he held the post of  
7                   archivist. When Mr. Armstrong held that post, he believed  
8                   in Scientology, was a dedicated member of the Church of  
9                   Scientology. Later after he left the church, he went and  
10                  obtained copies of the materials that he had gathered as I  
11                  have described.

12                  Michael Flynn, although not a party of this  
13                  action, is an important actor in the action. Mr. Flynn is  
14                  involved in extensive litigation throughout the United  
15                  States in suing Church of Scientology, L. Ron Hubbard and  
16                  Mary Sue Hubbard.



T6

1 He is the man to whom Mr. Armstrong gave these  
2 private papers. He gave them to him so that Mr. Flynn  
3 could use them in the way that I described previously, in an  
4 antagonistic way.

5 Mr. Flynn is a self-described antagonist of the  
6 church and of the Hubbards. And Mr. Flynn has millions of  
7 dollars at stake in this litigation. He represents plaintiffs  
8 who are suing for many millions of dollars.

9 The act of giving these materials to  
10 Mr. Flynn was in furtherance of an effort to use these -- to  
11 gain these millions.

12 The documents themselves which are under seal,  
13 which are the subject of this action, encompass approximately  
14 8- to 10,000 pages. There are many private materials,  
15 including letters between Mr. and Mrs. Hubbard, letters  
16 between Mr. Hubbard and his first two wives, letters between  
17 Mr. Hubbard and his parents, letters from his parents to  
18 Mr. Hubbard, and to Mrs. Hubbard, and material relating to  
19 Mr. and Mrs. Hubbard's children; a premarital agreement  
20 between Mr. and Mrs. Hubbard; private journals and diaries;  
21 letters to attorneys; internal church matters, business  
22 correspondence, and a variety of other personal and private  
23 materials.

24 The archives from which these materials came  
25 have a value that in straight economic terms -- which is not  
26 their only value from the church's and from the Hubbard's  
27 point of view -- that is in the millions of dollars.

28 The materials taken have a value that is in the

1 hundreds of thousands of dollars including an original  
2 unpublished manuscript carbon which by itself has a value  
3 which is hard to calculate which is a book called Excalibur  
4 which is legendary within Scientology and has never been  
5 published and considered the first writing of Mr. Hubbard on  
6 the subject of the spirit.

7 Mr. and Mrs. Hubbard were married in 1952. And  
8 the story of these materials in some ways begins when they  
9 packed up materials at the time that they were living in  
10 Washington D.C. which was in approximately 1959; the Hubbards  
11 moved around a great deal.

12 In 1959 they left the United States and went  
13 abroad. At this point Mrs. Hubbard personally packed the  
14 private possessions that she and her husband had collected  
15 over the years including many materials which were her  
16 husband's from prior to their marriage. These were stored  
17 in Washington D.C. and they were stored there for some 17 years  
18 or so until the middle to late '70's when the materials were  
19 moved from the storage to Church of Scientology facilities;  
20 subsequently to facilities called Gilman Hot Springs.

21 They were stored in areas that were known as  
22 private storage of the Hubbards. It was called R storage,  
23 R referring to Ron, Mr. Hubbard. Not only did it have the  
24 various -- many of the various private materials that I have  
25 described, it had furniture, clothing, and a whole range of  
26 private possessions of all types that were maintained there.  
27 That is the origin of one of the sets of materials under seal  
28 as I'll further describe.

1           In addition there is a set of materials that  
2 runs from the mid 1960's to the 1970's that were gathered  
3 up from England. These were materials of a similar nature,  
4 private materials of the Hubbards that had been gathered  
5 over the years that they had spent primarily in England.

6           They were eventually brought aboard a ship  
7 called the Apollo which was a ship that the Hubbards and  
8 many Scientologist spent several years on. These materials  
9 at the time that the ship finally stopped sailing, which  
10 was in approximately 1975, they were brought from the ship  
11 and was stored with the church under Mrs. Hubbard's direct  
12 control.

13           These materials were what is known as the  
14 controller's archives, as I mentioned before.

15           Mrs. Hubbard held the Scientology post of  
16 controller which is not a financial position as one might  
17 think in terms of determining corporations, that it was a  
18 post that involved coordinating external affairs and the  
19 internal management of the churches. There are many private  
20 materials from these controller archives, many originals  
21 which have ended up before the court. And in addition,  
22 there are a variety of materials from other files, personal  
23 files maintained within various church organizations concerning  
24 the Hubbards.

25           Mr. Armstrong joined Scientology in 1969.  
26 And he held a variety of positions which I will not detail  
27 except to say that in early 1980 he sought the post to gather  
28 up materials relating to Mr. Hubbard.

1                   He requested within the church apparatus and  
2 within the Scientology structure that he be permitted to  
3 hold this post and he was assigned to this post. The  
4 function of this post was to gather and preserve materials  
5 relating to Mr. Hubbard.

6                   Mr. Armstrong set about gathering up materials,  
7 many of which I have already described. These materials  
8 were, in fact, we will demonstrate not known to Mrs. Hubbard  
9 and from what we can determine to Mr. Hubbard to, in fact,  
10 be taken by anyone. Mrs. Hubbard, who was supposed to be  
11 told about activities relating to her and her husband's  
12 storage, was not informed that Mrs. Hubbard -- I am sorry,  
13 that Mr. Armstrong was gathering the private and personal  
14 materials that had been stored by them over the years, nor  
15 would she have given her permission for Mr. Armstrong to  
16 do so.

17                   Nonetheless we would not contend that within the  
18 church this was not known and we do not contend that what  
19 Mr. Armstrong did in and of itself in taking the materials  
20 and gathering them was wrongful. Mr. Armstrong put these  
21 materials together at a Church of Scientology facility at  
22 what is called the Cedars Complex which is where they were  
23 moved to. He gathered up the materials from Gilman Hot  
24 Springs, some 25-or-so boxes. He moved them to church  
25 facilities at the Cedars Complex. He organized them. He  
26 took extreme precautions to maintain their confidentiality,  
27 their security and their safety. He was provided church  
28 moneys to do so. He was provided church moneys to purchase

1 additional materials for these archives which he expended.

2 He put these materials and organized them into  
3 various binders. The doors were always locked. It was  
4 extremely difficult to get access. Normal church staff  
5 members could not have access to this. Only a very small  
6 number of people could have access because it was recognized  
7 that these were private and confidential papers and that  
8 they were very valuable papers and that they were to be  
9 treated with the greatest care.

10 Approximately sometime in late 1980 or in early  
11 1981 Mr. Armstrong got from the controller's archives a  
12 small number of materials with Mrs. Hubbard's approval.  
13 These controller's archives were materials for which there  
14 was an archivist in charge of them who will testify, and he  
15 had been informed by Mrs. Hubbard that in these materials,  
16 which had come from the ships originally and then had been  
17 added to their, were what were rightfully archive materials  
18 and there were also personal materials that were not  
19 rightfully archive materials that were personal storage  
20 materials.

21 Mr. Armstrong sought to obtain some materials  
22 for what Mrs. Hubbard thought was a museum, materials of  
23 historical interest because there was a plan to develop a  
24 museum concerning Mr. Hubbard.

25 Mr. Armstrong contacted the archivist who was in  
26 charge of the controller's archives whose name was Tom Vorm  
27 and requested some materials.

28 Mr. Vorm sent to Mrs. Hubbard a list of the

1 materials and the materials themselves for her personal  
2 review to determine whether or not they had been provided to  
3 Mr. Armstrong. After she reviewed them, Mrs. Hubbard  
4 approved those and, as the court will see, the list of those  
5 materials are materials of the type that would be of use to  
6 a museum or of general historical interest.

7 In the same time frame, approximately in the  
8 fall of 1980, a contract concerning a biography of L. Ron  
9 Hubbard was entered into. This contract was entered into  
10 between a corporation called AOSH-DK which was a  
11 Scientology -- not a Church of Scientology of California  
12 corporation, but a Scientology corporation located in  
13 Denmark, and Omar Garrison who was to be the biographer.

14 This biography project and the contract setting  
15 it up included the fact that the biography to be drafted by  
16 Mr. Garrison was subject to the approval of the publisher,  
17 and it was the understanding of the parties that that would  
18 include submission to Mr. Hubbard and to Mrs. Hubbard for  
19 review and approval. If the biography was not satisfactory,  
20 there was a provision that the book would not be published  
21 and Mr. Garrison would be paid a certain amount of money if  
22 an agreement could not be reached as to what the text of the  
23 biography should be and what should be in it and what should  
24 not be in it. The biography contract contained a clause  
25 that in writing the biography, there shall be no invasion of  
26 anyone's privacy.

27 Now, after this Denmark corporation entered into  
28 this agreement, it contacted the Church of Scientology of

1 California because part of the terms of the contract, which  
2 by the way Mrs. Hubbard was generally aware of, she was not  
3 involved in any negotiations but she was kept apprised of  
4 what was going on in general with respect to the contract.  
5 The Denmark company, the AOSH-DK Denmark corporation had  
6 agreed that it would make an effort to provide various  
7 previously unavailable materials concerning Mr. Hubbard and  
8 provide a research assistant and an office for Mr. Garrison  
9 to work out of.

10 A letter was then written to the Church of  
11 Scientology of California requesting that the the Church of  
12 Scientology of California provide an office and provide a  
13 researcher. The Church of Scientology of California agreed  
14 and passed a Board minute pursuant to that agreement.

15 Mr. Armstrong was then assigned by the Church of  
16 Scientology of California to assist Mr. Garrison. Indeed it  
17 was contemplated even before that that Mr. Armstrong would  
18 assist Mr. Garrison if the biography, in fact, developed.

19 He proceeded to copy many materials from the  
20 materials that he had gathered and provide them to  
21 Mr. Garrison. He provided these to Mr. Garrison on a  
22 confidential basis. That is Mr. Garrison's testimony. That  
23 is Mr. Armstrong's testimony. He considered the materials  
24 extremely private. In fact, Mr. Garrison describes the  
25 materials; he said that if he had to give a one-line  
26 description, they would be the private papers of L. Ron  
27 Hubbard.

28 The materials which Mr. Armstrong eventually

1 provided included not only materials of Mr. Hubbard but also  
2 materials of Mrs. Hubbard's end of the church. These  
3 materials were given to Mr. Garrison for one purpose and one  
4 purpose only, for use in drafting the biography and for no  
5 other purpose. Both Mr. Garrison and Mr. Armstrong attest  
6 to that.



8-1

1                   Mr. Armstrong concedes that his sole authority  
2 as he perceived it was to compile the archives and provide  
3 materials to Mr. Garrison and that he had no authority to do  
4 anything else with them.

5                   We'll show that these materials that he gathered  
6 up, that there were policies with respect to how to handle  
7 them; that originals could not be removed; although  
8 Mr. Armstrong in fact did so. And we'll show that it was  
9 the understanding of all of the parties and every person who  
10 is before the court and every party that had anything to do  
11 with any of these transactions that these materials were  
12 completely private; that they would be returned at the end  
13 of Mr. Garrison's work on the biography; that Mr. Armstrong  
14 had no right to them and that the whole biography relationship  
15 was based on a long working relationship of some 10 years  
16 in which, as Mr. Garrison described it, there was a high  
17 degree of mutual trust based upon this prior working relationship

18                   Literally tens and tens of thousands of pages  
19 of these private materials were provided by Mr. Armstrong  
20 to Mr. Garrison, most of it from the Hubbard's private files;  
21 included in them were materials that Mr. Armstrong obtained  
22 after Mrs. Hubbard had left her Scientology post of controller.

23                   Mrs. Hubbard left that past some time in the  
24 middle of 1981. And the controller archives, which contained  
25 both materials relating to the subjects of Scientology and  
26 Dianetics, archives that were lodged with Mr. Vorm which  
27 were taped materials and handwritten manuscript materials of  
28 Mr. Hubbard as well as these materials that I have described

8-2

1 remained there. Mr. Armstrong sought from Mr. Vorm that  
2 these materials be given to him. He said they were urgently  
3 needed for the biography.

4 Mr. Vorm was most reluctant to give them to  
5 him. He attempted, but was unable to reach Mrs. Hubbard.

6 He then inquired of the person who held the  
7 post of controller that Mrs. Hubbard had previously held  
8 and he was told to provide them to Mr. Armstrong and he did  
9 so; although with many things, he still refused to provide  
10 the original copies and only provided Xerox copies.

11 He was assured by Mr. Armstrong that these  
12 materials would not be used in a way that would violate the  
13 privacy of them and that Mr. Garrison needed them to review,  
14 but that there should be no concern about using them in a  
15 way that would intrude into the Hubbard's privacy.

16 So they were given to him. Many of the originals  
17 which are under seal with this court come from those  
18 material which Mr. Armstrong obtained after Mrs. Hubbard was  
19 no longer acting as the controller.

20 In approximately December of 1981 Mr. Armstrong  
21 reached a decision to leave the Church of Scientology.  
22 According to his testimony, he reached that decision by  
23 approximately December 1st.

24 For the next 12 days he engaged in an extra-  
25 ordinary range of activities of copying as many materials  
26 as he could to provide to Mr. Garrison. And in a 12-day period  
27 of December 1 to December 12, he flooded Mr. Garrison with  
28 thousands of pages of additional materials.

1                   When Mr. Armstrong left there was at that time  
2 many originals which either was taken by him at that time  
3 or which he had given to Mr. Garrison -- it is not completely  
4 clear -- but which originals were never permitted to have  
5 been given to Mr. Garrison for, among other reasons, their  
6 extraordinary value and the fact that Mr. Armstrong's  
7 function was to gather up originals, not to give anybody  
8 else the originals.

9                   After Mr. Armstrong left the church in December,  
10 1981 he continued to have contact with Mr. Garrison. And  
11 he continued to have access to these materials. And he,  
12 apparently, had many of them with him in his possession.

13                   In early May, 1982, without discussing the  
14 matter with Mr. Garrison, Mr. Armstrong went to Clearwater,  
15 Florida and met with Michael Flynn.

16                   He took with him an original letter from  
17 Mrs. Hubbard to Mr. Hubbard from the early 1950's which we  
18 do not intend to introduce into evidence, but which  
19 Mr. Armstrong has described as a particularly personal  
20 letter. And this was one of the documents that he took to  
21 show to Mr. Flynn at that time.

22                   Mr. Flynn was shown the letter and he read the  
23 letter.

24                   Mr. Flynn paid for Mr. Armstrong's trip to  
25 Clearwater, Florida.

26                   At the same time Mr. Armstrong told Mr. Flynn  
27 about the archives materials and what was is them.

28                   Within a period of approximately three weeks,

1 Mr. Flynn came to Los Angeles to the Bonaventure Hotel and  
2 he there met with Armstrong again.

3 In the interim Mr. Armstrong, after returning  
4 from Clearwater, went to Mr. Garrison and persuaded  
5 Mr. Garrison to let him have copies of many materials from  
6 these archives which had been provided originally to Mr. Garrison  
7 by Mr. Armstrong when he was acting for the church on the  
8 archives post.

9 He told Mr. Garrison that he needed the documents  
10 for evidence, although there was no suit against him by  
11 anyone.

12 In his first conversation with Mr. Garrison  
13 on this subject he requested letters between Mr. Hubbard  
14 and his first wife, letters between Mr. Hubbard and Mary Sue  
15 Hubbard and naval records of Mr. Hubbard. He made copies  
16 of these materials.

17 He met with Mr. Flynn; he provided him at  
18 the meeting at the Bonaventure Hotel -- he brought him  
19 approximately 1,000 pages of materials; then copied them  
20 and sent them to him.

21  
22  
23  
24  
25  
26  
27  
28

9

1           The court should recall, of course, that this  
2 is not going to seek the advice of any lawyer. This is going  
3 to seek the advice or to provide materials, which is the real  
4 situation, to the attorney in the United States who is more  
5 active in litigation against various Church of Scientology  
6 and against the Hubbards than any other lawyer in the country.

7           Mr. Armstrong, when he went to see Mr. Flynn,  
8 knew that Mr. Flynn represented a variety of plaintiffs.  
9 He agreed with Mr. Flynn that he would act as a witness for  
10 Mr. Flynn. He agreed that Mr. Flynn could use the materials  
11 that he was providing in his other litigation. Mr. Armstrong  
12 prepared affidavits for use in suits in which he reviewed  
13 and used the private materials that he had not taken originals  
14 or copies of and given to Mr. Flynn, and when he did all  
15 of this by his own testimony he did not believe that it was  
16 pursuant to the conditions under which he had been permitted  
17 to gather them up.

18           In the course of the next approximately three  
19 months or so Mr. Armstrong sent to Michael Flynn approximately  
20 3,000 pages of original materials, sent to Contos & Bunch  
21 approximately 2,000 pages of original materials and sent  
22 thousands of other copies of materials as well. He was  
23 clearly engaged in a systematic gathering up of materials.  
24 He had free access to Mr. Garrison's materials which he  
25 would go into and copy what he wanted and send on to Mr. Flynn  
26 or toward the end also to Contos & Bunch.

27           The church made reasonable efforts to inquire  
28 of Mr. Armstrong as to whether he was engaging in this

1 improper conduct. John Peterson, an attorney for the church,  
2 sent a letter to Mr. Armstrong asking that he return  
3 anything that had been taken while he was a church employee.  
4 Mr. Armstrong responded that there was nothing, although  
5 the materials under seal are original materials which  
6 Mr. Armstrong had in his possession which were ultimately  
7 delivered to the church and which came from the archives as  
8 originals.

9 In addition, there were numerous copies. In  
10 Mr. Armstrong's response he said nothing about the fact that  
11 he had been copying materials or taking materials from  
12 Mr. Garrison.

13 The church, concerned about the situation and  
14 concerned about whether or not either originals or copies  
15 of the archives materials had been taken, set about a reasonable  
16 course of retaining private investigators through Mr. Peterson  
17 and others to engage in surveillance of Mr. Armstrong in  
18 an effort to determine whether or not he had archives  
19 materials which he was not entitled to. The surveillance  
20 was extensive and involved substantial expense suffered by  
21 the church in an effort to recover its property.

22 Ultimately, as the court is aware, a temporary  
23 restraining order and then a preliminary injunction was  
24 issued and the materials which are now under seal were  
25 returned pursuant to court order from the firms of  
26 Michael Flynn and Contos & Bunch. The order required that  
27 all materials or copies of materials from the archives be  
28 provided to the court.

1 Mrs. Hubbard learned of this whole affair only  
2 after the court suit itself had begun. She was not aware  
3 that any of this had occurred. She was quite upset to hear  
4 that hers and her husband's private materials were being  
5 gathered up and extremely upset to hear that Mr. Armstrong,  
6 whom she had known, had not only gone into her private  
7 storage but more to the point, then sent these materials to  
8 Mr. Flynn.

9 At this time the relationship of Mr. Garrison  
10 to this whole matter had been resolved. Mr. Garrison and  
11 the publishing company with whom he originally entered  
12 into a contract or successor to that contract actually,  
13 entered into a settlement agreement. In that settlement  
14 agreement Mr. Garrison agreed that he was not going to  
15 publish a book. He returned all materials from the archives  
16 that he had and he forgave any possessory claim that he  
17 may have had or presently had with respect to any other  
18 materials that had been provided to him in connection with  
19 his biography research.

1           The court is aware that Mr. Hubbard, who is not  
2 available, has sent a letter expressing his wishes that  
3 these materials be returned to the custody of the church.  
4 We'll authenticate that letter and show that it is a genuine  
5 letter from Mr. Hubbard.

6           The materials themselves are of such a range  
7 that any description hardly begins to give a comprehension  
8 of just how extensive and how private both from the point of  
9 view of the Hubbards personally and from the point of view  
10 of the church because many of the materials relate to  
11 internal church matters or Scientology matters.

12           There are under seal letters from the mid-1960s;  
13 many letters from Mrs. Hubbard to Mr. Hubbard and some from  
14 Mr. Hubbard to Mrs. Hubbard; materials relating to the  
15 tragic death of one of the sons of the Hubbards that  
16 Mr. Armstrong sent to Mr. Flynn.

17           There is a pre-marital agreement which had never  
18 been even discussed with other people which Mr. Armstrong  
19 sent.

20           There are letters from the Hubbards' parents and  
21 Mr. Hubbard and Mrs. Hubbard, extensive correspondence  
22 between Mr. Hubbard and his first two wives and private  
23 financial materials relating to that; extremely personal  
24 journals kept by Mr. Hubbard which speak to his innermost  
25 thoughts and which are part of the early bodies of self-  
26 research in the development of Scientology and Dianetics  
27 which have not been published and which he has never  
28 provided to anyone until Mr. Armstrong took them and gave



1 them to Mr. Flynn; Naval records obtained and put in the  
2 archives; unpublished manuscripts of extraordinary value  
3 which Mr. Hubbard had never indicated should be published;  
4 tax and financial records of the Hubbards; wills,  
5 correspondence with friends, correspondence with  
6 Scientologists, correspondence with business associates,  
7 correspondence with attorneys; records of attorney-client  
8 conferences. The list goes on and on. And one could spend  
9 an hour describing the range of these materials which were  
10 taken.

11 Hence, we'll establish from the evidence that we  
12 present that Mr. Armstrong was a church employee who had  
13 access to the private and confidential material of the  
14 Hubbards and the church; that after leaving, knowing their  
15 privacy, knowing their confidentiality, he wrongfully went  
16 and obtained them for unauthorized purposes which he knew to  
17 be unauthorized, but in fact which were not only  
18 unauthorized, but hostile; that he took materials that he  
19 had no right to have at that point; that he had no right to  
20 have access to; that he took them, sent them to an  
21 individual antagonistic of the Hubbards and the church and  
22 did so for antagonistic reasons and in furtherance of his  
23 scheme of collecting multi-million dollar damage claims;  
24 that he used the materials to prepare documents in other  
25 cases than his own case and gave the same permission to Mr.  
26 Flynn to do so; that he was not entitled to do any of this  
27 and that any claim he makes to justify his conduct -- we'll  
28 not address factually those issues in this opening

1 statement -- but we'll say that any claim that he makes to  
2 justify his conduct will be shown to be misleading and false  
3 and which cannot be shown to justify his conduct in any way,  
4 shape, or form.

5 In reality, what this conduct comes down to is  
6 the act of voyeurs pouring through the private lives of  
7 other people to find any and everything they can to spread  
8 about them in an effort to discredit them in order to  
9 collect through lawsuits large amounts of money; that it  
10 will be shown that this supposed justification defense that  
11 the defendant presents will come down to nothing but self-  
12 serving vigilanteism of the worst kind.

13 In short, we'll show that Mr. Armstrong  
14 converted these materials for his own use; that he  
15 enormously invaded the privacy of Mrs. Hubbard, Mr. Hubbard  
16 and the church and that he breached confidences that he had  
17 been given and that he completely, disloyally, and without  
18 justification breached his fiduciary obligation to both the  
19 church and the Hubbards to maintain the privacy and  
20 confidentiality of the archives materials.

21 THE COURT: Mr. Harris, did you have anything you  
22 wanted to add?

23 MR. HARRIS: Mr. Litt was so eloquent, Your Honor,  
24 I'll waive.

25 THE COURT: Mr. Flynn, do you wish to make an opening  
26 statement at this time?

27 MR. FLYNN: I will, Your Honor.

28 Before doing so, I would like to briefly review

1 my motion to dismiss for failure to join indispensable  
2 parties. I'll be very, very brief.

3 The indispensable parties are the corporations  
4 that Mr. Litt referred to, AOSH-DK Publications of Denmark;  
5 New Era Publications which he did not mention, but which  
6 Your Honor is going to find is one of the most significant  
7 parties in this lawsuit. And the most significant party,  
8 without doubt, is L. Ron Hubbard.

9 Mr. Litt told the court that final approval for  
10 the entire biography project was predicated and given to  
11 L. Ron Hubbard.

12 This court has no way of knowing how to dispose  
13 of the interests in this lawsuit, the rights, liabilities,  
14 and duties of any of the parties to this lawsuit without  
15 Mr. Hubbard coming forth and giving testimony as to what  
16 those rights, liabilities and duties are within the context  
17 of the contracts and, specifically, the final biography  
18 project with regard to Mr. Garrison was predicated upon  
19 Mr. Hubbard's approval.

20 Since that is the unassailable fact that was  
21 admitted by Mr. Litt, there is no evidence and there will be  
22 no evidence before this court that Garrison didn't properly  
23 maintain possession of the documents and could have  
24 published them on his own; disseminated them across the  
25 United States on his own, given them to people like  
26 Mr. Armstrong; given them to anyone he wanted as well as  
27 published them in the book. That final approval lay with  
28 Mr. Hubbard.

1                   Mr. Hubbard is not before the court. He is an  
2 indispensable party before the court.

3                   There is a document under seal which  
4 specifically states that Mr. Garrison has the right to use  
5 the documents; create video tapes and promotional material  
6 prior to even publishing the biography; to travel throughout  
7 the world and publish the biography.

8                   Since the one unassailable fact admitted by  
9 Mr. Litt is that Mr. Hubbard's approval is required for all  
10 of that, it will be impossible, without hearing evidence  
11 from either the two corporations or from Mr. Hubbard as to  
12 what should have been done with the biographical materials  
13 that were collected by Mr. Armstrong, what should have been  
14 done with the book and what in the future can be done with  
15 the book, with the documents, or with Mr. Armstrong's right  
16 to publish the contents of the documents.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11-1

1                   There are several cases which at the conclusion  
2 of the trial we will provide a memorandum to the court. I  
3 am again renewing my motion for failure to join an indispensable  
4 party. I think that the rights, liabilities and duties in  
5 this case are governed by two contracts, two written contracts,  
6 only one of which has been introduced, the second of which  
7 we will call for production during the trial. All of which  
8 require the final approval of Mr. Hubbard and with that I  
9 will make my opening statement.

10                   THE COURT: Well, I should rule on your motion, I  
11 guess. For the reason previously stated, I will deny your  
12 motion without prejudice. You can renew it later on.

13                   MR. FLYNN: Your Honor, Mr. Litt is correct when he  
14 states that this case involves a sacred trust. However,  
15 the sacred trust is a trust that Mr. Armstrong owed to  
16 himself and a trust that he owed to thousands of people who,  
17 together with him, were victimized by L. Ron Hubbard.

18                   It is a sacred trust that is owed to society  
19 because of the representations made by L. Ron Hubbard about  
20 himself which representations were disseminated and promoted  
21 in a very commercial manner to obtain money. Indeed the  
22 evidence that the court will see will specifically address  
23 the promotion of L. Ron Hubbard as having certain credentials,  
24 character, integrity, academic qualifications, military  
25 background on which he sold himself to the public, such as  
26 Mr. Armstrong, in order to obtain money.

27                   This case does have a certain characteristic  
28 that threads through the entire case, and I submit at the

1 close of this evidence Your Honor will see very clearly  
2 that these characteristics do not relate to Mr. Hubbard  
3 as a founder of a revered religion. They relate to intrigue,  
4 greed, misrepresentation, fraud and criminology, criminology  
5 and fraud permeated not only Mr. Armstrong's entire involve-  
6 ment with Mr. Hubbard but begins virtually from the age of  
7 12 with Mr. Hubbard which Mr. Armstrong discovered.

8 That criminality and the lies, written lies  
9 within written lies, within written lies, within written  
10 lies become self-evident in these documents which will become  
11 blatantly clear in testimony of Mr. Armstrong will indicate  
12 that the sacred trust that was owed was fulfilled by  
13 Mr. Armstrong, not only to himself but to this court and  
14 to other Scientologists.

15 Mr. Litt indicated that the position of  
16 Mr. Armstrong would be structured within the position of the  
17 church. The court will hear the following evidence: That  
18 when Mr. Armstrong joined the Church of Scientology in 1969  
19 he thought he was joining something which was represented  
20 to him as not being a religion. In fact, that representation  
21 was universally made.

22 He joined an organization within a short time  
23 called the Sea Organization. The evidence which is in the  
24 documents and which you will hear from the mouth of  
25 Mr. Armstrong is that he went on board a ship which was  
26 owned by a succession of for profit corporations, and the  
27 for profit corporations are the Hubbard Explorational  
28 Corporation, O T S and O T C.

11-3

1           The documents under seal will show that the  
2 individuals who worked on the ship worked for Mr. Hubbard in  
3 a for profit corporation. In fact, the testimony will be  
4 from Mr. Armstrong that in connection with the duties in  
5 the port captain's office on board the ship, he was required  
6 to go into each port and tell the people in the port that they  
7 were a business corporation called O T C conducting business  
8 research in management.

9           The representations that were universally  
10 made from 1970 through 1975 as to who Mr. Armstrong worked  
11 for was that he worked for a corporation called Operation  
12 Transport Corporation. The documents show it and  
13 Mr. Armstrong will so testify.

14           In fact, he was instructed per written policies  
15 to state to whoever asked that he was not connected with  
16 the Church of Scientology but he worked for that corporation.

17           Following Operation Transport Corporation he  
18 was instructed when they landed in Clearwater, Florida to  
19 tell everyone that he worked for an organization called  
20 the United Church of Florida.

21           Following that he was instructed to relate  
22 to the public, the press and the media that he worked for an  
23 organization called The Friends of Norton Karno doing business  
24 research, then it became the Friends of Mr. Snyder's Uncle.

25           Eventually these organizations wound there  
26 way down to an organization called Author Services Incorporated,  
27 which is now a for profit organization which encompasses the  
28 people that Mr. Armstrong worked with who are now all earning

11-4

1 money, wages doing the identical duties that Mr. Armstrong  
2 did for the period of 12 years.

3 The evidence will be that Mr. Armstrong worked  
4 in the personal office of L. Ron Hubbard. The documents  
5 will show that the personal office of L. Ron Hubbard  
6 was a for profit undertaking and that Mr. Armstrong and  
7 the others were working in Mr. Hubbard's office were continually  
8 told and, in fact, the evidence will be that Mr. Hubbard  
9 told them that he worked for them and Laurel Sullivan,  
10 Mr. Armstrong's senior, worked for L. Ron Hubbard and not  
11 for the Church of Scientology.

12 That evidence, I submit to the court, will  
13 become critical and there is extensive evidence which I  
14 am not going to go into at the present time in order to  
15 keep this brief, but that evidence is extensive and it will  
16 show fact upon fact upon fact that in the mind of Mr. Armstrong,  
17 he always worked for L. Ron Hubbard. In the mind of  
18 L. Ron Hubbard, the parties to this contract, Armstrong  
19 always worked for L. Ron Hubbard.

20 Coming up to the biography project, in January  
21 1980 the Church of Scientology and L. Ron Hubbard and  
22 Mary Sue Hubbard, a party in this case, were being investigated  
23 by numerous state and federal agencies. In fact --

24 MR. LITT: Your Honor, I am going to object to this.  
25 What is the relevance of that to the issues in this case?

26 THE COURT: I assume it is preliminary to the reasons  
27 why he took these documents. What was done, how it came into  
28 his possession.



1                   Overruled.

2                   MR. FLYNN: In fact, in July 1977 there was a raid  
3 on the premises here in Los Angeles of the Church of  
4 Scientology and some 80,000 documents were seized by the  
5 Federal Bureau of Investigation. The contents of those  
6 documents I won't go into. They eventually led to the  
7 indictment of the 11 highest officials of the Church of  
8 Scientology, including Mary Sue Hubbard, and their subsequent  
9 conviction.

10                   In January of 1980 the organization was fearful  
11 that there was going to be another raid. They were fearful  
12 that this raid would tie Hubbard into several operations,  
13 including Operation Snow White which was the subject of the  
14 indictment of Mary Sue Hubbard. For that reason they mustered  
15 between 150 and 250 people. They rented a paper shredder  
16 which they designated Igor, and they proceeded to shred some  
17 5- to 600,000 potentially documents. No one knows what the  
18 final amount is.

19                   The shredder operated for weeks. They were  
20 using five ton trucks.

21                   The evidence will be that the purpose of the  
22 shredding operation, which becomes critical evidence in this  
23 case, was to one, remove all evidence that connected  
24 L. Ron Hubbard to the Church of Scientology, and two, remove  
25 all evidence that connected him to the property at Gilman  
26 Hot Springs. The evidence will be that under that criteria,  
27 the criteria under which the shredding was conducted, the  
28 documents should have been shredded. The documents were

1 not shredded because Mr. Armstrong thought at that time  
2 they had value as L. Ron Hubbard's personal documents and  
3 private documents.

12f

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                   For that reason they weren't shredded. Under  
2 the criteria for shredding, they should have been shredded.  
3 And that will be the evidence.

4                   Five copies were made of those documents which  
5 essentially encompass the documents that are under seal with  
6 additions. The value of those documents, the evidence will  
7 be, was lost over the next year and a half because of the  
8 contents of the documents.

9                   If the documents prove what the Church of  
10 Scientology, Mary Sue Hubbard and L. Ron Hubbard held out  
11 L. Ron Hubbard to be for 30 years and if he was in fact what  
12 was set forth in numerous biographical publications about  
13 him and his organization of this religion, then they may  
14 have had value.

15                   The documents, however, as I indicated at the  
16 outset, will reveal precisely the opposite. And they lost  
17 during that period of time all their intrinsic value as  
18 pieces of paper. And as they lost their intrinsic value as  
19 pieces of paper, they gained value with regard to their  
20 informational content.

21                   And as the court will see in the presentation of  
22 the evidence, it is the content of these documents and the  
23 perspective of Mr. Hubbard's involvement with this  
24 organization which is the critical issue before this court  
25 and which is the only issue relating to value.

26                   At the outset of the biography project  
27 Mr. Armstrong contracted with L. Ron Hubbard by submitting a  
28 petition to Mr. Hubbard to collect materials to work on the

1 biography project. There were no restrictions placed upon  
2 his collection of the materials; in fact, the evidence will  
3 be that over the next year and a half he collected literally  
4 hundreds of thousands of pages and that the documents under  
5 seal represent probably 2 percent of the documents  
6 collected. And, in fact, the evidence will be that of the  
7 documents under seal, contrary to Mr. Litt's representation  
8 to the court that Mr. Armstrong scurried around and copied  
9 thousands of documents in the last days before he left the  
10 organization, of the documents under seal the copying that  
11 was done in the last few days probably represents less than  
12 5 percent of the documents that were copied throughout that  
13 period of time.

14 The evidence will be that the biography project  
15 started and that the mid-1970s; the person most instrumental  
16 in the biography project was Laurel Sullivan.

17 When Mr. Armstrong collected these materials and  
18 obtained approval from L. Ron Hubbard, he went to Laurel  
19 Sullivan. Laurel Sullivan contacted Mr. Hubbard and the  
20 biography project at this point probably became reborn for  
21 the third time.

22 There were two prior occasions when they  
23 attempted to do it. The authors found so many discrepancies  
24 in the biographical data on L. Ron Hubbard that they were  
25 unable to proceed. Now for the third time the project is  
26 reborn.

27 Laurel Sullivan and Armstrong believed they had  
28 the documents to support a legitimate biography of L. Ron

1 Hubbard. For that reason a lot of wheels are placed in  
2 motion. Contract negotiations began.

3 Contrary to the representations of Mr. Litt, the  
4 testimony will be that Mary Sue Hubbard didn't represent her  
5 husband in those contract negotiations, but as she testified  
6 in those depositions, she represented the interests of the  
7 Church of Scientology.

8 Contract negotiations began and a written  
9 contract was entered into in October of 1980. The contract  
10 was entered into between what we called the PDK and Omar  
11 Garrison. That contract, we submit, will be one of the most  
12 critical pieces of evidence in this case, a provision with  
13 regard to whether the documents could be revealed to third  
14 parties or disclosed to anyone outside the people who were  
15 immediately involved; namely, Gerald Armstrong, Laurel  
16 Sullivan and Omar Garrison were specifically excluded from  
17 the contract because it would have voided the contract as a  
18 violation of public policy under the restatement of  
19 contracts and under several cases that have been decided in  
20 California.

21 MR. LITT: May we approach the bench, Your Honor, or  
22 I'll make it here.

23 I believe -- we had a discussion about what  
24 information Laurel Sullivan may or may not have given to  
25 Mr. Flynn. I don't know exactly what he is referring to,  
26 but if I had to put my money down, it would be that she has  
27 been talking to him about advice that she gained from a  
28 Church of Scientology staff member -- about advice --

1           THE COURT: He is talking about the non-inclusion of  
2 something in the contract.

3                   Let's go forward.

4           MR. FLYNN: There was a question about Mr. Litt's  
5 association on the --

6           THE COURT: Let's go on. Overruled.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

13-1

1           MR. FLYNN: They specifically did not put that provision  
2 in the contract. The defense submits that that is one of  
3 the critical items of evidence in this case with regard to  
4 the rights and liabilities of Omar Garrison from which  
5 Mr. Armstrong got the documents and, in fact, if they had  
6 put it in, it would have been void as against public policy.

7           At the same time that contract was entered  
8 into, a contract was entered into between L. Ron Hubbard  
9 and PDK with regard to the publication rights in the biography.  
10 Under the biography proposals that were negotiated at the  
11 time, L. Ron Hubbard was to make \$10 million from the  
12 publication of this book. The evidence will be that that is  
13 a for profit purpose, and Mr. Armstrong was working in  
14 connection with that for profit purpose. Under that  
15 contract Mr. Hubbard had final approval over every item  
16 relating to the biography project. That contract has never  
17 been produced.

18           During the next year and a half, and I won't  
19 go into the misrepresentations, I will simply itemize for the  
20 court some of the areas without stating what the evidence  
21 will be from the documents at this time in order to obviate  
22 Mr. Litt's objection. Some of the representations that  
23 were made about L. Ron Hubbard which became the critical  
24 focus for Mr. Armstrong in the collection of the documents  
25 are as follows, and as the evidence will be, these became  
26 absolutely the fundamental basis upon which most people paid  
27 money and joined this organization.

28           That L. Ron Hubbard was a nuclear physicist.

13-2

1 That he was a medical doctor. That he was a scientist.

2 That he's the most highly decorated naval hero  
3 of World War II. That he served in five theaters. That he  
4 was a commander of squadrons of Corvettes.

5 That he was crippled and blinded from war wounds.  
6 That he was twice pronounced medically dead. That he was  
7 the first casualty of the Far East.

8 That he was flown home personally in the  
9 Secretary of Navy's personal airplane. That he received  
10 28 medals and palms.

11 That he was the subject of "Mr. Roberts." That  
12 he is Mr. Roberts, the subject of the movie. That he served  
13 in the amphibious forces in the South Pacific in connection  
14 with his "Mr. Roberts" activities on the U.S.S. Algol.

15 That he was fully healed and reclassified for  
16 combat duty after World War II as a result of his discoveries,  
17 scientific discoveries of Dianetics. That at one point he  
18 was returned to combat without rest in order to command a  
19 Corvette. That he served the remainder of that year with  
20 British and American anti-submarine vessels in the North  
21 Atlantic.

22 That his naval record states that he was  
23 permanently disabled physically. That his naval record  
24 states that this officer has no neurotic or psychotic  
25 tendencies whatsoever.

26 That the naval record states that he saw  
27 duty in the North Pacific. That in the space of two years  
28 he worked himself back to fitness and strength.



1                   That after World War II he had to study for  
2 several years when he was blind and couldn't see. That he  
3 resigned his commission in the Navy rather than assist  
4 government research projects. That he worked for naval  
5 intelligence in breaking up a black magic ring.

6                   That he was sent home as the first casualty  
7 in the Pacific and relieved by 15 officers of rank.

8                   He studied under a Commander Thompson from the  
9 age of 12 who was a student of Sigmund Freud. That he was  
10 a civil engineer with a Bachelor of Science, with a Ph.D.  
11 That he was an atomic physicist, an anthropologist.

12                   That he had graduated from George Washington  
13 University in mathematics and engineering. That he excelled  
14 in his subject.

15                   These are all written representations in the  
16 biographical sketches of L. Ron Hubbard.

17                   That he attended Princeton University as a  
18 post-graduate. That he was involved in the first course in  
19 nuclear physics.

20                   That he graduated from grade school with high  
21 honors. That he excelled in his subjects in high school.

22                   That the book "All About Radiation" was written  
23 by a nuclear physicist and a medical doctor, which is  
24 purportedly him.

25                   That between 1924 and 1929 he was educated  
26 in Asia and studied under Llamas and learned the wisdom of  
27 the Far East under four years of intense study.

1                   That he was an adventurer and explorer; that he  
2 had conducted a Carribbean motion picture expedition;  
3 conducted extensive underwater photography in connection  
4 with that expedition; that he did it for the Hydrographic  
5 Office of the Navy and that he provided the materials for  
6 that expedition to the University of Michigan; that he led  
7 three expeditions to study savage peoples; that he led an  
8 expedition into Central America; that between 1933 and 1941  
9 he visited many barbaric cultures; that he did the first  
10 complete minerological survey of Puerto Rico; conducted the  
11 Alaskan Radio Expedition for the government; rewrote the  
12 Alaskan Pilot charting the coastline of Alaska; was the  
13 originator of LORAN in connection with that expedition; that  
14 he claimed he led an expedition to the Red Sea to  
15 investigate and research underwater civilizations; that he  
16 was involved in an around-the-world flight.

17                   With regard to his health, he has claimed that  
18 because of Dianetics, he represented the supremely healthy  
19 and perfect human being.

20                   He makes various claims with regard to his  
21 health after World War II through the 1950s and into and  
22 throughout the 1970s and into the early 1980s; that he was a  
23 blood brother of the Black Feet Indians; that he wrote the  
24 book Treasure Island; that he was -- that he was a Hollywood  
25 director; that he wrote several books and Hollywood scripts;  
26 that he is a member of various organizations relating to all  
27 of his academic and professional qualifications.

28                   The evidence will be that all of those

1       representations are uniformly false.

2                   The evidence will be that in early 1980 what  
3       triggered this entire matter was that Mary Sue Hubbard and  
4       the other individuals who were under indictment were trying  
5       to raise funds in connection with the Church of Scientology  
6       to defend themselves in a criminal case. In connection with  
7       raising those funds, promotional material was sent out  
8       throughout the United States; that the movie, the Dive  
9       Bomber, a movie that was produced in the 1930s, was written  
10      by L. Ron Hubbard; the screenplay was written by L. Ron  
11      Hubbard and that thousands of people in connection with  
12      extensive promotional materials that earned somewhere  
13      between twenty and thirty thousand dollars was sent out to  
14      have people come in and see the movie on the basis that it  
15      was written by L. Ron Hubbard and on the basis that all of  
16      the people that were to go to see the movie believed all of  
17      those biographical representations that I laid out to the  
18      court.

19

20

21

22

23

24

25

26

27

28

15-1

1                   Mr. Armstrong, because of the position he was  
2 in as the researcher simply began to conduct research into  
3 this very initial subject as to whether or not L. Ron Hubbard  
4 had written the "Dive Bomber." He went to the library of  
5 the Academy of Motion Picture Arts and Sciences, and he  
6 could find no credit for L. Ron Hubbard. He found that  
7 L. Ron Hubbard had written a very short story called  
8 the "Dive Bomber" in the 1930's and he read the entire screen  
9 play of the movie the "Dive Bomber" and the were 180 degrees  
10 opposite, and one had nothing to do with the other.

11                   He then went to his seniors and he explained  
12 to them that the promotional material was false based on  
13 what he had found and he didn't think that L. Ron Hubbard  
14 had written the "Dive Bomber" and it couldn't be proved.

15                   A communication was then sent to L. Ron Hubbard  
16 to try to explain the discrepancy in these basic facts upon  
17 which thousands of people were about to pay between 20 and  
18 \$40,000 to defend Mary Sue Hubbard.

19                   A communication came back from L. Ron Hubbard,  
20 which is under seal, and the communication states that the  
21 reason they couldn't find his credits was because someone  
22 at Warner Brothers tried to gyp him out of the money, that  
23 he really did, in fact, write it and they paid him \$10,000  
24 under the table, and this is on the sealed document, that  
25 L. Ron Hubbard was paid \$10,000 under the table, and then  
26 he took the \$10,000 before the war started and put it into  
27 a safe deposit box, and then when the war ended, he used  
28 the \$10,000 to go on a cruise in the Carribbean.

1                   The beginning of Mr. Armstrong's inquiry  
2 focused around this matter because Mr. Armstrong had remembered  
3 in the collection of materials that he read that Hubbard  
4 had said he was crippled and blinded after World War II,  
5 abandoned by his family, penniless, broke, destitute, cured  
6 himself with Dianetics, and not until he wrote the book  
7 "All About Dianetics" in 1950 did he have any funds.

8                   The documents under seal inescapably prove  
9 that between 1945 when Mr. L. Ron Hubbard got out of the  
10 Oak Knoll Military Hospital as a inpatient and 1950 prior to  
11 writing "Dianetics, The Modern Science To Mental Health";  
12 not only did he not have \$10,000, but he was throughout the  
13 five years writing to the Veterans Administration saying he  
14 was broke, claiming that he was a victim of war wounds to  
15 get a pension.

16                   The documents will prove that even among  
17 those documents, it shows that there were no war wounds.  
18 That he was destitute and broke and whatever it showed  
19 Mr. Armstrong in 1980 was that the letter that Hubbard had  
20 written in 1980 about what he had done in 1945 through '47  
21 was false. Then as Mr. Armstrong got into the naval documents,  
22 he found out that virtually everything that was said about  
23 Mr. Hubbard with regard to his naval career was false, which  
24 led him into all of the other documents.

25                   Throughout this period of time he was having  
26 on-going conversations with members of the organization and  
27 with Omar Garrison. He explained to Garrison, he explained  
28 to members of the organization what he was finding. Garrison

1 realized after a period of time, and the evidence will be  
2 from Mr. Garrison's mouth, that the biography could not  
3 possibly be written. That it was subject to Hubbard's  
4 final approval, and that they were now being told that  
5 Hubbard could not even be communicated with. So Mr. Armstrong  
6 and Mr. Garrison both realized that they were in a box.

7 They had discovered the truth about an  
8 individual who was involved in an organization which had a  
9 doctrine called the "Fair Game Doctrine." The evidence  
10 will be from Mr. Garrison, contrary to Mr. Litt's representations  
11 to the court, that Mr. Garrison drove Mr. Armstrong to the  
12 airport to come to Clearwater to see Michael Flynn because  
13 they were both afraid for their lives.

14 The evidence will be that prior to Gerald  
15 Armstrong ever contacting Michael Flynn on February 18, 1982,  
16 revised on April 22, 1982, before there was any contact  
17 between Gerald Armstrong and Michael Flynn a Suppressive Person  
18 Declare was issued on Gerald Armstrong which accused him of  
19 theft, illegally taking or possessing church property,  
20 receiving material for private gain, impersonating a  
21 Scientologist staff member, falsifying reports, making out  
22 or submitting false purchase orders, juggling accounts,  
23 obtaining loans or money under false pretenses, issuing  
24 data or information which was false, engaging in malicious  
25 rumor mongering of things that were false, and some 10 or 11  
26 other allegations against Mr. Armstrong, making him subject  
27 to the Fair Game Doctrine.

28 That is why he came to Michael Flynn, and it

1 wasn't until that was declared and they realized the position  
2 they were in and photographs were stolen from Mr. Armstrong  
3 during this period of time that he came to an attorney  
4 after he was told by one of the highest members of the  
5 organization to go get an attorney.

6 The evidence will be that Mr. Garrison felt  
7 that under the contract and the promotional materials that  
8 had been given to him, which as I indicated are under seal,  
9 he had the right to use the documents within his discretion.  
10 His discretion was something that was never defined by the  
11 contract. There were never any limitations put under the  
12 contract.

13 Given that critical fact, the defense's  
14 position is and the evidence will be that Garrison rightfully  
15 gave the documents to Gerald Armstrong to defend himself  
16 against an attack by an organization when he, in fact, had  
17 simply sought to correct falsehoods.

1           In that he was within his sacred duty to correct  
2 those falsehoods.

3           The evidence will be that thereafter Mr. Armstrong  
4 was ordered to return the documents by Mr. Peterson and that  
5 in order to safeguard the evidence of what he knew was the  
6 truth in that he knew that he had not engaged in malicious  
7 rumor-mongering and defamation, he sent the documents to his  
8 lawyer.

9           The evidence will be that the church then sued  
10 him and then after a year of this litigation in which this  
11 court did allow documents to be used in other litigation and  
12 specifically provided for that in the preliminary  
13 injunction, the evidence will be that in the summer of 1983  
14 the non-parties to this litigation, PDK assigning its  
15 contractual rights to New Era Publications, entered into an  
16 agreement with Omar Garrison and that pursuant to that  
17 agreement, Omar Garrison was paid approximately \$240,000 --  
18 we believe, but we are not certain --

19           MR. LITT: Your Honor, I object. This is not stated  
20 to be evidence, but belief.

21           MR. FLYNN: We are subpoenaing the settlement  
22 agreement to find out. It was never given to us.

23           The evidence will be that Mr. Garrison, until  
24 that point in time, possessed the documents and had the  
25 right to possess the documents. And during the period of  
26 time that he gave them to Gerald Armstrong, he did so  
27 pursuant to the contract; that since New Era Publications  
28 and PDK are not parties to this lawsuit, the right to



1 possession of the documents throughout the pendency of the  
2 lawsuit has been pursuant to that contractual arrangement,  
3 first in Omar Garrison and then under the agreement that was  
4 made in the summer of 1983, apparently, in a corporation  
5 called New Era Publications, a full profit corporation that  
6 is not a party to these proceedings.

7 The evidence will be that throughout the period  
8 of this lawsuit Mr. Armstrong has adhered to the orders of  
9 the court in that the only reason that this litigation is in  
10 this court is because of the content of those documents.

11 Mr. Armstrong did not convert and could not  
12 convert, as the evidence will be, what was rightfully in his  
13 possession based on the rightful possession of Omar  
14 Garrison.

15 The evidence will be that L. Ron Hubbard and  
16 Mary Sue Hubbard and the plaintiff Church of Scientology of  
17 California are public figures; that they made themselves  
18 public figures beginning in 1952; that they thrust  
19 themselves into the public arena on issues that most people  
20 don't thrust themselves into the public arena on, their  
21 integrity, their private lives, their health, the entire  
22 basis on which they sold Dianetics and made hundreds of  
23 millions of dollars which were put in Lichtenstein bank  
24 accounts between 1952 and the present was the integrity,  
25 character, and qualifications of L. Ron Hubbard and that all  
26 of those things were grossly and falsely misrepresented  
27 throughout that period of time to thousands of people who  
28 relied on it.

1                   With respect to the invasion of privacy count,  
2                   the evidence will be that given the public-figure status of  
3                   Mr. Hubbard and given the documents that Gerald Armstrong  
4                   seeks to introduce into evidence and sent to me, those  
5                   documents relate to issues that Mary Sue Hubbard and L. Ron  
6                   Hubbard have thrust into the public arena.

7                   With regard to documents that may be under seal  
8                   or in the possession of the Church of Scientology now, such  
9                   as private letters, they have never gone beyond Michael  
10                  Flynn, Mr. Armstrong's lawyer; never.

11                  Number two, Michael Flynn has not even read  
12                  95 percent of the documents that relate to the personal  
13                  correspondence between L. Ron Hubbard, Mary Sue Hubbard, and  
14                  his other wives.

15                  So the evidence will be that sending the  
16                  documents to a person's lawyer under the threat that I have  
17                  laid out to the court was entirely appropriate conduct and  
18                  that there has been no publication or dissemination beyond  
19                  giving them to his lawyer of any such confidential  
20                  materials.

21                  At the outset of this case I informed the court  
22                  that what the case comes down to is what to do with these  
23                  documents; how they should be preserved for the sacred trust  
24                  that is owed to former members of the Church of Scientology;  
25                  for the sacred trust that society has in finding out what  
26                  this man has done and for the sacred trust of Mr. Armstrong  
27                  in protecting himself in this litigation and in his suit and  
28                  in his counterclaim.

1                   The evidence will be that there was no tort  
2 committed by Mr. Armstrong at any point in time and that the  
3 sole issue for this court to decide is whether the parties  
4 are properly before the court in order to adjudicate the  
5 rights and liabilities of all necessary parties that have an  
6 interest in these documents and what to do with the  
7 documents themselves.

8                   THE COURT: We'll take a 15-minute recess.

9  
10                   (Recess.)  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

17-1

1           **THE COURT:** All right. In the case on trial let the  
2 record reflect that the parties and counsel are present.

3                   You may proceed, Mr. Litt.

4           **MR. LITT:** We will call Donald Keir, Your Honor.

5           **THE COURT:** What is the last name?

6           **MR. LITT:** K-e-i-r.

7  
8                                 **DONALD KEIR,**  
9 called as a witness by the plaintiff, was sworn and testified  
10 as follows:

11           **THE CLERK:** Be seated on the witness stand. Please  
12 state your name and spell your last name.

13           **THE WITNESS:** Donald Keir, K-e-i-r.

14  
15                                 **DIRECT EXAMINATION**

16           **BY MR LITT:**

17           **Q**         Mr. Keir, what is your occupation?

18           **A**         I am a latent fingerprint expert with the Los  
19 Angeles Police Department Scientific Investigation Division,  
20 latent print section.

21           **Q**         And how long have you been so employed?

22           **A**         I have been a fingerprint expert approximately  
23 15 years.

24           **Q**         And as a fingerprint expert, is it your job  
25 to compare fingerprints to fingerprint exemplars in order  
26 to determine whether they are the same or not?

27           **A**         Yes, it is.

28           **Q**         How many fingerprint comparisons have you made

1 in the course of your career?

2 A In excess of one million comparisons of latent  
3 fingerprints to exemplars.

4 Q And how many times have you been qualified as  
5 a fingerprint expert in Los Angeles courts?

6 A In excess of 375 times.

7 MR. LITT: May we have the letter from Mr. Hubbard  
8 which has been sent up by the clerk marked as exhibit 1?

9 THE COURT: Rosie, could you get that for us?

10 MR. FLYNN: Is this being offered at this point,  
11 Your Honor?

12 THE COURT: No, just marked for identification.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
18 f

T18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MR. LITT: Your Honor, I have a copy --

THE COURT: We have found it, Counsel.

MR. LITT: May I approach the witness?

THE COURT: Yes, you may.

MR. LITT: Thank you, Your Honor.

Q Mr. Keir, I am showing you a letter which is marked as exhibit 1; have you ever seen this letter before?

A Yes, I have.

Q And did you see it by coming down to the clerk's office in this court and examining it?

A Yes, I did.

Q And when you examined it did you have any materials with you to compare the fingerprints to it?

A Yes, I did.

Q Do you have those with you?

A Yes, I do.

MR. LITT: May I approach again, Your Honor?

THE COURT: You may.

MR. LITT: I'll mark this as exhibit 2.

The next one will be 3.

Have you marked that already?

THE CLERK: No; just put a little 2 on it and keep it.

THE COURT: Is that the exemplar card? Is that correct, a Xerox?

MR. FLYNN: I object, Your Honor.

MR. LITT: I'll lay the foundation.

THE COURT: You do have to lay the foundation.

Go ahead.

1 Q BY MR. LITT: Mr. Keir, did you use this  
2 Xeroxed copy of an exemplar card that has been marked at the  
3 top "Exhibit No. 2, Hubbard, Lafayette Ron" and compare these  
4 fingerprints on this exemplar card on exhibit No. 2 to the  
5 fingerprints on exhibit 1.

6 A Yes, I did.

7 Q Did you use a conclusion as to whether or not  
8 the fingerprints imprinted on exhibit 1 are the same as the  
9 fingerprints --

10 Let me just finish and then -- I have another  
11 exhibit card which will be connected to --

12 THE COURT: Let's go forward.

13 MR. FLYNN: I have no idea where these exemplars come  
14 from.

15 THE COURT: You'll have to lay a foundation.

16 Let's go forward.

17 Q BY MR. LITT: Did you make a comparison between  
18 exhibit 1 and exhibit 2 with respect to these fingerprints?

19 A Yes, I did.

20 Q And can tell me what your conclusion was?

21 MR. FLYNN: Objection, Your Honor.

22 THE COURT: Overruled.

23 THE WITNESS: That the fingerprint, the first finger-  
24 print of top of the page, that, I felt was unidentifiable.

25 The second latent fingerprint, the second print  
26 on page No. 1, I identified to the right index finger.

27 THE COURT: You are referring to the -- what appear  
28 to be latent prints on exhibit 1; is that correct?

1           **THE WITNESS:** That is correct.

2           **THE COURT:** Did you develop those latent prints  
3 yourself, or somebody else?

4           **THE WITNESS:** They were developed already.

5           **THE COURT:** All right.

6           **THE WITNESS:** On page 2 of the document, the first  
7 print on top of the page was also unidentifiable.

8                   The second print I identified to the right  
9 index finger of the exemplar.

10                   The third print on the page I identified to the  
11 right index finger of the exemplar.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1           Q       BY MR. LITT: So if I understand your testimony  
2 correctly, you were able to match at least two of the prints  
3 that are on the letter that is marked exhibit 1 to be  
4 identical to the right index finger of the exemplar that is  
5 marked 2?

6           A       There is three fingerprints in total, one on the  
7 first page and two on the second page.

8           Q       Showing you exhibit No. 3 which is a document  
9 entitled at the top "State of California Department of  
10 Justice" and is sworn to by Rolf R. Owre, Legal Keeper of  
11 Records at the Bureau of Criminal Identification and is a  
12 certification that the fingerprints attached to this, and  
13 the attachment page 2 have the initials of Rolf Owre on  
14 them, the exhibit 3 says that this is the fingerprint card  
15 of Lafayette Ron Hubbard; have you seen this document  
16 before, exhibit No. 3?

17          A       Yes, I have.

18          Q       And did you make a comparison between exhibit  
19 No. 3 fingerprint card and the fingerprints on exhibit  
20 No. 2?

21          A       Yes, I have.

22          Q       And did you reach a conclusion as to whether or  
23 not they are the same set of fingerprints?

24          A       Yes, I have reached a conclusion that they were  
25 made by one and the same person. They are copies of the  
26 original that were certified.

27          Q       And assuming that the fingerprints on exhibit 3  
28 are in fact the fingerprints of Lafayette Ron Hubbard, would

1 you have a conclusion as to whether or not the prints on  
2 exhibit 1 are the fingerprints of L. Ron Hubbard?

3 A Yes, I would.

4 Q And what would that conclusion be?

5 A That the prints on exhibit No. 11 were made by  
6 L. Ron Hubbard.

7 MR. LITT: Your Honor, I would move into evidence  
8 exhibit No. 3. It is a self-authenticating documents. It  
9 is certified.

10 THE COURT: Let me see it.

11 Any objection, counsel?

12 MR. FLYNN: I object, Your Honor.

13 THE COURT: What basis?

14 MR. FLYNN: Your Honor, I object to the introduction  
15 of either the letter or anything to lay a foundation to  
16 authenticate the letter based on fingerprinting on the  
17 grounds that it is hearsay. It is irrelevant and it is not  
18 trustworthy enough with regard to where this letter has come  
19 from, the circumstances under which the letter was written,  
20 who was present, et cetera.

21 All this witness has testified to is that these  
22 two fingerprints are the same. That doesn't authenticate  
23 the document.

24 THE COURT: Well --

25 MR. LITT: I am not at this time moving in exhibit 1.

26 THE COURT: No, he is offering these fingerprint  
27 exemplars, 1 and 2 -- rather 2, and 3.

28 MR. LITT: 2 and 3, yes.

1 MR. FLYNN: 3 is --

2 THE COURT: Certified copy of what appears to be a  
3 record of a fingerprint card that was filled out back in  
4 1948 from the Sheriff's Office, San Luis Obispo County. I  
5 don't see any reason --

6 MR. FLYNN: I will withdraw my objection to this,  
7 counsel.

8 THE COURT: 2 and 3 will be received.

9 MR. LITT: I have no further questions of this  
10 witness.

11 THE COURT: Any cross?

12 MR. FLYNN: Just very briefly, Your Honor.

13 THE COURT: Surely.

14

15

CROSS-EXAMINATION

16 BY MR. FLYNN:

17 Q Mr. Keir, have you ever met L. Ron Hubbard?

18 A No, I have not.

19 Q Did you ever see him put his fingerprints on any  
20 piece of paper?

21 A No, I have not.

22 Q Do you know where he is?

23 A No, I do not.

24 Q Do you know the circumstances under which what  
25 has been marked as exhibit 1 for identification was  
26 prepared?

27 A No, I did not.

28 Q Did you examine the arrest report of L. Ron

1 Hubbard dated August 8, 1948?

2 A No, I did not.

3 Q Did you work from a copy or did you work from an  
4 original?

5 A I worked from a copy.

6 Q Isn't it necessary in your line of work to work  
7 from originals?

8 A It depends on the clarity of the comparison that  
9 you are comparing it to. Generally the original is a  
10 clearer copy, yes.

11 Q Well, it is well known that a fingerprint expert  
12 generally wants to work from originals rather than copies?

13 A Generally, yes.

14 Q And your testimony is you worked from a copy?

15 A That is correct.

16 Q And the copy was a fingerprint card from a 1948  
17 arrest record of L. Ron Hubbard?

18 A It was a fingerprint card taken in 1948 of the  
19 arrest of L. Ron Hubbard, yes.

20 Q What was he arrested for?

21 MR. LITT: Objection.

22 MR. HARRIS: Objection.

23 THE COURT: That is immaterial.

24 Q BY MR. FLYNN: Did you compare the original of  
25 exhibit 1 to the copy which has been marked exhibit 2?

26 A Yes.

27 Q Where did you get that original?

28 A I made the comparison downstairs.

1 Q Do you know how that was delivered to the court?

2 A No, I do not.

3 Q So the first time you saw it was downstairs?

4 A That is correct.

5 MR. FLYNN: Nothing further.

6 THE COURT: Anything further?

7 MR. LITT: No, Your Honor.

8 THE COURT: You may step down, sir. You are excused.

9 MR. LITT: Our next witness will be William Bowman,  
10 Your Honor.

11

12

WILLIAM L. BOWMAN,

13 called as a witness in behalf of the plaintiffs, was sworn  
14 and testified as follows:

15 THE CLERK: Be seated on the witness stand. Please  
16 state your name and spell your last name.

17 THE WITNESS: My name is William L. Bowman,  
18 B-o-w-m-a-n.

19

20

DIRECT EXAMINATION

21 BY MR. LITT:

22 Q Mr. Bowman, what is your occupation?

23 A I am an examiner of questioned documents, more  
24 commonly called a handwriting expert.

25 Q And how long have you been employed or had the  
26 occupation of being a questioned document examiner?

27 A Approximately 25 years.

28

1           Q       Where were you employed with you first began  
2 that occupation?

3           A       Los Angeles County Sheriff's Department.

4           Q       How long did you work there?

5           A       I was on the department for 11 years. A portion  
6 of that I was in the Documents Section.

7           Q       For what portion of that were you in the  
8 Documents Section?

9           A       Nine of the eleven years.

10          Q       What posts did you hold with respect -- within  
11 the Los Angeles Sheriff's Department with respect to  
12 questioned documents?

13          A       Well, after the trainee position, which was the  
14 initial training portion, I became the chief documents  
15 examiner, taking over from Mr. John L. Harris, the senior in  
16 the firm of Harris & Harris who was a private contractor for  
17 the County.

18          Q       How long were you the actual chief documents  
19 examiner for the Los Angeles Sheriff's Office?

20          A       Approximately six years.

21          Q       In that period of time how many questioned  
22 documents examinations did you make, approximately?

23          A       Well, I couldn't tell how many examinations, but  
24 the number of documents was approximately 100,000.

25          Q       After you left the Los Angeles Sheriff's Office  
26 where did you go?

27          A       I resigned my position to go into private  
28 practice as a documents examiner.

1 Q How long have you been in private practice as a  
2 documents examiner?

3 A Well over 15 years.

4 Q Have you worked in your own firm during that  
5 period of time?

6 A Yes.

7 Q During that period of time approximately how  
8 many documents have you examined in connection with making a  
9 questioned documents analysis?

10 A I don't have any figure because I don't count  
11 anymore to justify my time. But I would say it is probably  
12 approximately the same number.

13 Q Approximately 100,000?

14 A Yes.

15 Q And have you ever testified as an expert witness  
16 on the subject of questioned documents?

17 A Yes.

18 Q On how many occasions?

19 A Well, again, after leaving the Sheriff's Office  
20 I didn't keep accurate count. But at that time it was  
21 approximately 500 times. I would estimate now it is between  
22 800 and 1,000 times.

23 Q Has that been in proceedings in this court, the  
24 Los Angeles Superior Court?

25 A Yes. And in other courts in the state and in  
26 other states.

27 Q And in Federal Court as well?

28 A Yes.

1           Q     Will you take a look at what is marked before  
2 you as exhibit 1?

3                     Have you seen that document before?

4           A     yes.

5           Q     Do you recall when that was?

6           A     Yes.

7           Q     When?

8           A     The afternoon of March 23rd, 1984 in this  
9 building.

10          Q     And did you come down to the court and have the  
11 document exhibit No. 1 provided to you for your examination?

12          A     Yes.

13          Q     When you came down did you have any materials  
14 with you?

15          A     Yes.

16          Q     What were those?

17          A     Well, I was accompanied by someone else who had  
18 several documents in their possession which were letters  
19 either identified to me as being written by L. Ron Hubbard  
20 or signed by him with the signature on it.

21                     I believe all the documents I had previously  
22 seen in other matters involving the same individual --

23          MR. FLYNN: I object, Your Honor, and move to strike.

24          THE COURT: On what basis?

25          MR. FLYNN: Hearsay as to what these people said about  
26 the documents that were provided to him.

27          THE COURT: I'll deny the motion. Overruled.

28                     Proceed.



1           Q       BY MR. LITT:   Do you have copies of the  
2 materials that you actually used to make your handwriting  
3 comparison with you?

4           A       Can you bring those out, please?

5                    Can you identify for us the materials that you  
6 have just taken out of your briefcase?

7           A       The first document consists of writing on both  
8 sides of the single sheet of paper.

9                    The first line is titled "HCO." And it appears  
10 to be the letters "P" and "D." And then what might be "LTR"  
11 and what appears to be a date, "1 M-a-r '66."

12                   On the reverse side of the top of the page it  
13 has the number "34" written on it.

14                   And at the bottom there is an initial which I  
15 recognize as being the initial of L. Ron Hubbard.

16                   The second document is titled "My Philosophy by  
17 L. Ron Hubbard" at the top.

18                   It has another notation in the upper right-hand  
19 corner which bears a date 11- -- either 10 or 15 '65. It is  
20 multi-pages, but the last page at the very bottom as the  
21 signature "L. Ron Hubbard" which I identify as being his  
22 signature.

23                   The third document -- I don't recall what all  
24 the words are in the title, but the second part of the title  
25 has "For Apollo's '74." And it is dated 3 J-a-n '74."  
26 Although it has been written over, probably '73 before.  
27 That is multi-pages.

28                   The last page has a printed initial "LRH."

1 Q Let's just take the first two for the moment.  
2 The first document that you described, can you  
3 mark at the bottom of that a No. 4 for exhibit No. 4?

4 THE COURT: 4 for identification.

5 Q BY MR. LITT: That is the document that starts  
6 "HCO" and "Pd"; is that right?

7 A That is correct.

8 I have marked a "4" with a circle around it.

9 Q And the document marked "My Philosophy," can you  
10 mark that as No. 5?

11 THE COURT: It may be so marked.

12 THE WITNESS: Yes, I have.

13 Q BY MR. LITT: Now, when you went down to the  
14 court to look at the exhibit No. 1 were the originals of  
15 these exhibits Nos. 4 and 5 with you?

16 A Yes.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21-1

1 Q They were handwritten pages that appeared to  
2 be in a ballpoint pen or some kind of pen on an original  
3 paper?

4 A That is correct.

5 Q And were you present when the Xerox copies  
6 that you made use of were made in my office?

7 A Yes, I was.

8 Q So the Xerox copy that you have with you, were you  
9 present when it was made from the original?

10 A Yes, as I recall it was at my request so I  
11 would have something to place notations on. So it was in  
12 response to my question.

13 MR. LITT: Now, Your Honor, what I would like to do,  
14 I have the originals of these materials with me if the parties  
15 want to inspect them. I do not want to mark them and  
16 introduce them into evidence.

17 I would only ask to substitute them for copies  
18 which we already have.

19 THE COURT: Lay a foundation that those are true and  
20 correct copies of the original and counsel can see them if  
21 he wants to.

22 MR. FLYNN: We have no objection.

23 THE COURT: All right, then, are these true and  
24 correct copies of the originals, sir?

25 THE WITNESS: Yes, they are, Your Honor.

26 THE COURT: Proceed.

27 Q BY MR. LITT: Now, Mr. Bowman, did you make a  
28 comparison of the documents that have been marked exhibit No. 4

21-2

1 and exhibit No. 5 of the handwriting on those exhibits? Did  
2 you make a comparison between the handwriting on those  
3 exhibits and the handwriting on the exhibit which is marked  
4 as exhibit No. 1?

5 A Yes.

6 Q And did you reach any conclusion as to whether  
7 or not the handwriting on exhibit No. 1 was written by  
8 the same person as the handwriting on exhibit No. 4 and  
9 No. 5?

10 A Yes.

11 Q And what was that conclusion?

12 A After making the examination it was my opinion  
13 that the person who wrote on the two pages consisting of  
14 exhibit 1 was the same person who wrote the handwriting on  
15 the other exhibits now marked 4 and 5. It was the same  
16 person's normal handwriting.

17 Q One further question which is: Attached to  
18 exhibit No. 1 is a typed version of the handwritten version;  
19 have you examined that typed version? Have you seen it?

20 A I have seen it, but I have not examined it.  
21 In fact, I don't recall even reading it all.

22 Q Just so there is no question about the hand-  
23 writing, could you read the handwriting on the letter?

24 Unless there is a stipulation that the typed  
25 version is the same, Your Honor, we will have Mr. Bowman  
26 read directly from the handwritten text so that there is  
27 no question about what the text said.

28 MR. FLYNN: If Mr. Litt is willing to represent that

21-3

1 they are the same, Your Honor, I will accept it.

2 MR. LITT: Okay.

3 THE COURT: All right. You need not read it.

4 MR. LITT: I have no further questions.

5 THE COURT: You may cross-examination.

6

7

CROSS-EXAMINATION

8

BY MR. FLYNN:

9 Q Were you present, Mr. Bowman, when exhibit 1  
10 was written?

11 A No.

12 Q Who are you working for today in connection  
13 with your testimony here?

14 A Mr. Litt.

15 Q And have you ever been employed by Mr. Litt  
16 before?

17 A Yes.

18 Q In connection with Scientology litigation?

19 A Yes.

20 Q On how many occasions?

21 A Well, I believe only once.

22 Q One other time?

23 A I believe so. I know once.

24 Q And was that for a comparative analysis of  
25 L. Ron Hubbard's handwriting?

26 A Yes.

27 Q Did you use the same exemplars that  
28 you used here in the courtroom?

21-4

1           A           With the exception to the best of my recollection  
2 of exhibit 4, yes. I have previously seen exhibit 5 and I  
3 had a copy in my possession from previous examination.

4           Q           So you used the exemplar that says "My  
5 Philosophy"?

6           A           Yes.

7           Q           The original?

8           A           Yes.

9           Q           Do you know where that came from?

10          A           No.

11          Q           Had you ever seen exhibit 1 prior to doing  
12 your examination?

13          A           No.

14          MR. FLYNN: That is all I have.

15          THE COURT: Anything further, Counsel?

16          MR. LITT: Nothing further.

17                       We will move exhibits 4 and 5 into evidence,  
18 Your Honor.

19          THE COURT: Let's see, what are 4 and 5? The exemplars?

20          MR. LITT: They are the comparison letters.

21          THE COURT: Are you prepared to prove up that these  
22 are the writings of Mr. Hubbard?

23          MR. LITT: We will do that through a separate witness.

24          THE COURT: All right.

25          THE WITNESS: I might explain I have placed red  
26 markings on those sheets as to things I observed in case  
27 anybody wonders what they are. That is my notations.

28          THE COURT: All right.

## REDIRECT EXAMINATION

1  
2 BY MR. LITT:

3 Q Do you have an extra copy in your own files  
4 of that?

5 A No, I don't.

6 MR. LITT: I have my own copies that don't have  
7 Mr. Bowman's markings on them. I assume he would like to  
8 keep for his records his notations. Could I substitute our  
9 copy?

10 THE COURT: I don't have any problem. Do you have  
11 any problem?

12 MR. FLYNN: No problem. We have no objection to them  
13 going into evidence.

14 THE COURT: All right then we will receive 4 and 5  
15 into evidence. Substitute additional copies.

16 MR. FLYNN: Could Mr. Litt make copies available to  
17 us, Your Honor?

18 MR. LITT: Yes, I will, Your Honor.

19 THE COURT: You may step down, sir.

20 THE WITNESS: Thank you, Your Honor.

21 MR. LITT: Your Honor, may I make a suggestion -- may  
22 I have just a moment?

23 MR. HARRIS: Here's the problem so Your Honor  
24 understands.

25 On Monday I have been summoned -- well, not  
26 really because I caused it to happen -- to be down in  
27 San Diego Federal District Court in connection with a  
28 trade mark matter that I can't get out of, and we are just

21-6

1       trying to determine which witnesses, because we each have  
2       responsibility for different witnesses, we should put on.  
3       I think we just need about five minutes unless the court is  
4       prepared to say at this point that we could adjourn Monday,  
5       never to adjourn again, for my absence.

6               THE COURT: I plan on being here Monday.

7               MR. HARRIS: Yes, I figured you did.

8               THE COURT: Because we have lost a little bit of  
9       time up to this point.

10              MR. HARRIS: Very well.

11              THE COURT: We might as well take a break until 1:30  
12       if you have to get through this consultation.

13              MR. HARRIS: Fine.

14              THE COURT: We will resume at 1:30.

15                               (The luncheon recess was taken at  
16                               11:45 a.m. until 1:30 p.m. of the same day.)

17

18

19

20

21

22

23

24

25

26

27

28



22-1

1 LOS ANGELES, CALIFORNIA; THURSDAY, MAY 3, 1984; 1:33 P.M.

2 -000-

3  
4 THE COURT: In the case on trial, let the record  
5 reflect that counsel are present.

6 You may proceed.

7 MR. HARRIS: Thank you, Your Honor.

8 We split up our responsibilities. And I'll  
9 be taking the next couple of witnesses so I can be free on  
10 Monday.

11 THE COURT: very well.

12 MR. HARRIS: Mr. James Morrow, Your Honor.

13  
14 JAMES L. MORROW,  
15 called as a witness by the plaintiff, was sworn and testified  
16 as follows:

17 THE CLERK: Be seated. Please, state your name and  
18 spell your last name.

19 THE WITNESS: James L. Morrow, M-o-r-r-o-w.

20  
21 DIRECT EXAMINATION

22 BY MR. HARRIS:

23 Q Are you an officer of the plaintiff Church of  
24 Scientology of California?

25 A Yes.

26 Q What is your office?

27 A I am the vice president.

28 Q And what is the Church of Scientology of

1 **California?**

2 **A It is a non-profit California Corporation,**  
3 **religious corporation. It is a church.**

23f

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

23-1

1 Q And I take it you are a scientologist?

2 A Yes.

3 Q And for how long have you been such?

4 A Twelve years.

5 Q In addition to your corporate office of  
6 vice president, do you also hold a position a staff member  
7 within the Church of Scientology of California?

8 A Yes, I do.

9 Q And are you a member of the Sea Organization?

10 A Yes, I am.

11 Q And what is that?

12 A The Sea Organization is a religious order made  
13 up of Scientologists who have dedicted their lives to  
14 Scientology.

15 Q From 1979 through or to December 1981 what  
16 real property was owned by the Church of Scientology of  
17 California?

18 A Generally there was Cedars of Lebanon -- the  
19 former Cedars of Lebanon Hospital Complex, an adjacent  
20 property to that, buildings and some parking lots; the  
21 property that the Church of Scientology of San Francisco was  
22 in; property in Clearwater, Florida where the Flag land base  
23 was and still is; and property at Gilman Hot Springs.

24 Q And Gilman Hot Springs is in California?

25 A Yes.

26 Q From 1979 to December of 1981 what was the  
27 position of the Church of Scientology of California insofar  
28 as the ecclesiastical structure of the religion?

1           A        It was the mother church.

2           Q        And what organizations were housed in that  
3 corporation during that period?

4           A        There was the Advanced organization of  
5 Los Angeles, Saint Hill organization, the Church of  
6 Scientology of Los Angeles organization, the Church of  
7 Scientology of San Francisco, the Flag land base, various  
8 management units of the church like the Commodore Messenger's  
9 Organization, an international Commodore's Messenger's  
10 Organization for the PAC area, Pacific; U.S. Guardian's  
11 Office; Flag operations Liaison Office, West U.S. That gives  
12 a pretty good picture. I am sure I didn't get every one of  
13 them.

14          Q        It is a rather large group housed in this one  
15 corporation?

16          A        Yes.

17          Q        Who is L. Ron Hubbard?

18          A        He is the founder of the religion of  
19 Scientology. He is the author of the scriptures of the  
20 church, all the writings that make up the tenets and doctrines  
21 of the church.

22                    He is a man that is generally viewed by all  
23 the scientologists as someone who has affected their lives  
24 positively.

25

26

27

28

1           Q       Did the Church of Scientology of California have  
2 a unit or bureau during the years 1979 to December 1981  
3 which was called "The Personal Public Relations Office of  
4 L. Ron Hubbard"?

5           A       Yes, it did.

6                    I think the name may have changed near the end  
7 of 1981, but for most of that period.

8           Q       Do you know what the name was changed to?

9           A       I am not exactly sure. It was part of the  
10 product development organization.

11          Q       All right. And what was the function of the  
12 Personal PR Office Bureau or whatever it was?

13                    Is it a bureau, a unit? What did you call it  
14 within the church?

15          A       it was a unit of the church. It had the  
16 function of promoting L. Ron Hubbard for the benefit of the  
17 church because the church and L. Ron Hubbard are very  
18 closely connected in that he is the founder of the church.  
19 And by promoting L. Ron Hubbard, it would help and benefit  
20 the church.

21          Q       Was that office, that is, the Personal PRO  
22 Office, staffed by Church of Scientology of California staff  
23 members?

24          A       Yes.

25          MR. FLYNN: Your Honor, please, I think a little more  
26 foundation should be laid as to the witness' knowledge of  
27 some of these things. All we have is the fact that he was a  
28 vice-president. We don't know how long; we don't know

1 whether he had any involvement with the public relations  
2 office.

3 THE COURT: It seems to me --

4 What was your role in 1979, 1980; were you  
5 vice-president then?

6 THE WITNESS: No, I wasn't. I was -- I have been the  
7 vice-president since October of 1983.

8 MR. HARRIS: Maybe I can clear this up.

9 THE COURT: It is like the pedigree exception to the  
10 hearsay, a reputation of certain things. Certainly, he  
11 ought to have competency to testify to these things.

12 You can go into it in more detail on cross-  
13 examination, but it seems to me it affects his ability to  
14 testify about these things.

15 MR. HARRIS: Thank you, Your Honor.

16 THE COURT: I don't remember what the last question  
17 was.

18 MR. HARRIS: I have forgotten it too, but I think it  
19 was whether the Personal Public Relations Office was staffed  
20 by Church of Scientology of California employees.

21 THE WITNESS: Yes.

22 MR. FLYNN: Could we have a date, Your Honor?

23 MR. HARRIS: During the period, as I have indicated,  
24 Mr. Flynn, in the beginning, 1979 to December 1981.

25 I have an exhibit, Your Honor, that contains  
26 numerous disbursement vouchers, each of which as a separate  
27 number. I would like to mark it collectively plaintiff's  
28 next in order which would be 6, as I recall.

1 THE COURT: 6 for identification.

2 Have you seen these, Mr. Flynn?

3 MR. FLYNN: No, Your Honor.

4 MR. HARRIS: I am about to give him a copy of the  
5 same, Your Honor. And the remaining items that I have as  
6 well.

7 May I approach the witness, Your Honor?

8 THE COURT: Yes, you may.

9 Q BY MR. HARRIS: I show you a document,  
10 Mr. Morrow, that has been marked exhibit 6 and ask you if  
11 you recognize the documents contained therein?

12 A Yes, I do.

13 Q How do you recognize them?

14 A These are financial records of the Church of  
15 Scientology of California which I requested at your request  
16 and which were provided to me by someone from the church.

17 Q Do you recognize the form of the items that are  
18 contained in exhibit 6?

19 A These are disbursement vouchers that are for  
20 staff pay, staff allowances.

21 Q And are you familiar with those from being a  
22 staff member of the Church of Scientology of California?

23 A I have received similar things for the last five  
24 years from the Church of Scientology of California.

25 Q How are these prepared?

26 A Generally, at the end of the week the treasury  
27 secretary or director of disbursements or payroll office,  
28 whoever is holding the function, will get a check for the

1 staff pay; will cash that check; will then write out  
2 individual disbursement vouchers for each person receiving  
3 pay and will disburse the pay to that person, giving them a  
4 copy of the disbursement voucher and keeping another copy  
5 for the church records. And generally the yellow copy,  
6 which these are, are signed by the individual receiving the  
7 pay.

8 Q And do those documents that you have in front of  
9 you which have been marked collectively exhibit 6 appear to  
10 have a name on there for the person who received the money?

11 A The name on the top is Gerry Armstrong.

12 And there is a signature that looks like it  
13 could be Gerry Armstrong's as well on the bottom.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1           Q       Are those documents that you have before you of  
2 the class of documents which are prepared at or about the  
3 time the money is disbursed?

4           A       Either the same day or maybe a day or so before.

5           Q       All right.

6           MR. FLYNN: We have no objection to these documents, Your  
7 Honor, going into evidence.

8           MR. HARRIS: Then I will move their admission.

9           THE COURT: All right, they will be received.

10                    You want to let me see them?

11           THE WITNESS: Sure.

12           Q       BY MR. HARRIS: Now, Mr. Morrow, at my request  
13 did you also personally search the corporate records for a  
14 letter from American St. Hill Organization -- strike that --  
15 Advanced Organization St. Hill, Denmark to the Church of  
16 Scientology of California?

17           A       Yes.

18           MR. HARRIS: Your Honor, I have a document dated 14  
19 November 1980. I'd like to mark that plaintiff's next in  
20 order which would be 7.

21           THE COURT: All right.

22           MR. HARRIS: And may I approach the witness?

23           THE COURT: Yes, you may.

24           Q       BY MR. HARRIS: Showing you what has been marked  
25 exhibit 7, I ask you if you recognize that?

26           A       Yes, I do.

27           Q       And was that the document that you obtained at  
28 my request?

1           A       Yes, it is.

2           Q       Is that maintained in the ordinary course of  
3 business by the Church of Scientology of California as part  
4 of its corporate records?

5           A       Yes.

6           Q       Did you also find an accompanying minute of the  
7 Board of Directors of the Church of Scientology in  
8 connection with that order?

9           A       Yes, I did.

10          MR. HARRIS: Well, if you will give me a minute while  
11 I try to find it, I will see if I can.

12                   Yes. Your Honor, I have a document entitled  
13 "Resolutions Adopted by Unanimous Written Consent,  
14 Et Cetera." May that be marked plaintiff's next in order,  
15 exhibit 8?

16          THE COURT: All right, exhibit 8.

17          MR. HARRIS: And again may I approach the witness?

18          THE COURT: You may.

19                   If you want to approach the witness with a  
20 document, you don't need to keep asking because this case  
21 involves a number of documents. That applies to both sides  
22 as long as you are going to approach the witness with a  
23 document or examining him with reference to a document.

24                   Go ahead.

25          MR. HARRIS: Thank you very much.

26          Q       Do you recognize that document, Mr. Morrow?

27          A       Yes, I do.

28          Q       And where was that obtained?

1           A       That was in the Board Book of the Church of  
2       Scientology of California.

3           Q       Also at my request did you obtain some finance  
4       records in respect to the Church of Scientology of  
5       California, purchases for the archives?

6           A       Yes, I did.

7           MR. HARRIS: Again to save time, Your Honor, I would  
8       like to mark this collectively though it contains a great  
9       many documents, each of which has a date or some other  
10      identifying characteristic which could be put in the record  
11      if necessary.

12          THE COURT: Marked collectively as exhibit 9. If  
13      there is any need to refer to individual pieces, you can  
14      refer to them as 9-A or -B, whatever.

15          Q       BY MR. HARRIS: Showing you what has been marked  
16      exhibit 9, I ask you if you recognize that?

17          A       Yes.

18          Q       And how do you recognize it?

19          A       These were also records that I requested from  
20      the corporate records of the Church of Scientology of  
21      California. These were delivered to me.

22          Q       And do you recognize the form of the documents  
23      contained collectively in exhibit 9?

24          A       Yes, there is a couple of purchase orders and  
25      related disbursement vouchers and third-party receipts that  
26      are also related to the purchases.

27          Q       How are purchase orders ordinarily prepared in  
28      the course of business of the Church of Scientology of

1 California?

2 A Well, if a person in the church wishes to  
3 purchase something on behalf of the church, they will submit  
4 a purchase order to the Financial Planning Committee. The  
5 Financial Planning Committee will review that against the  
6 budget for that week and against other expenses and the need  
7 for the item, and then they either approve it or they  
8 disapprove it.

9 If it is approved, the funds will be disbursed  
10 and when they are disbursed a disbursement voucher will be  
11 written.

12 Q That is the yellow item that is on top of  
13 exhibit 9?

14 A That's right. The disbursement voucher will  
15 contain some information about what it is for, who it is  
16 disbursed to, what the amount is and the date. And then  
17 after the person has completed whatever the purchase is,  
18 they should return the receipts which then get packaged  
19 together and are then maintained as the record of expenses  
20 for the church.

21 Q And these are maintained in the ordinary course  
22 of business by the Church of Scientology of California?

23 A Yes.

24 MR. HARRIS: No further questions.

25 THE COURT: You may cross-examine.

26 MR. FLYNN: Thank you, Your Honor.

27

28

## CROSS-EXAMINATION

1  
2 BY MR. FLYNN:

3 Q Are you the keeper of the records of the Church  
4 of Scientology of California?

5 A I am not necessarily the keeper of all the  
6 records. I can obtain records if I need to.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

26-1

1 Q Have you ever fulfilled any function keeping  
2 records of the Church of Scientology of California?

3 A I have maintained some legal files.

4 Q What branch of the church are you in?

5 A I am in the Office of Special Activities at  
6 this time.

7 Q What is that?

8 A It is a section of the church that deals  
9 primarily with external affairs for the church, public  
10 relations, legal.

11 Q How long have you been in that unit?

12 A Since its formation. I am not sure exactly  
13 how long that is, about a year.

14 Q Have you ever met L. Ron Hubbard?

15 A No.

16 Q Did you ever work in the personal office of  
17 L. Ron Hubbard?

18 A No.

19 Q Have you ever been to Gilman Hot Springs?

20 A No, I haven't.

21 Q Do you know who owns the property at Gilman  
22 Hot Springs?

23 A Well, at what period of time?

24 Q The period of time that these records relate  
25 to, 1979 and December, 1981.

26 A At that time it was essentially owned by the  
27 Church of Scientology. It had the beneficial interest in the  
28 property. That is my understanding.

26-2

1 Q When you say "essentially owned, beneficial  
2 interest," do you know whose name the deed was in?

3 A I am not entirely sure at this time.

4 I have seen the deed, but I don't recall.

5 Q If I suggest to you that it was the name of a  
6 private individual named Richard Hoag, does that refresh  
7 your recollection?

8 A I have seen the name. I am not sure it was on  
9 the deed. That is very possible.

10 Q You have seen the deed?

11 A Yes.

12 Q Do you know where the personal office of  
13 L. Ron Hubbard physically existed between 1979 and 1981?

14 A Not at all time. During some of that time,  
15 at least, I know it was in Cedars of Lebanon complex.

16 Q Do you know whether at any time during that  
17 period it was out in the Gilman Hot Springs property?

18 A I am not certain.

19 Q Do you know who Laurel Sullivan is?

20 A Yes.

21 Q Who is she?

22 A She is a former Scientologist and she held a  
23 position in the church in the personal office.

24 Q Do you know whether she was L. Ron Hubbard's  
25 personal public relations officer?

26 A She held a post in the church, a staff post  
27 in the church of L. Ron Hubbard's personal PRO officer.

28 Q So the answer to my question is yes?

1           MR. HARRISON: I object. The answer is what it is,  
2 Your Honor.

3           THE COURT: The answer is what it is. It speaks for  
4 itself.

5           Q           BY MR. FLYNN: What does personal PRO officer  
6 mean, Mr. Morrow?

7           A           That is pretty much what I covered before on  
8 direct. That is person who has the position in the church  
9 of promoting L. Ron Hubbard as a staff member of the church  
10 for the benefit of the church.

11          Q           Do you know whether they ever did it for the  
12 benefit of L. Ron Hubbard?

13          A           I am sure L. Ron Hubbard benefited at the same  
14 time if his image was promoted. The person's post was a  
15 staff post. And the purpose was promoting L. Ron Hubbard  
16 for the church's benefit.

17          Q           Your knowledge about the operation of the  
18 personal public relations officer comes from whom?

19          A           Well, it comes from my experience in the  
20 church and seeing what was done by people in that office.  
21 It comes from just general knowledge of kind of knowing  
22 where everything is in the church and what is being done.

23                    I have also read documents relating to the  
24 personal office.

25          Q           Between 1977 and 1980 if the personal office  
26 was at Gilman Hot Springs you would never have observed its  
27 activities during that period of time; is that correct?

28          A           Not necessarily. I would not have observed the



1 operations at Gilman Hot Springs, but that doesn't mean that  
2 a person from there would not have been doing things in  
3 Los Angeles that I would have observed, an event or something  
4 like that.

5 Q Laurel Sullivan would know a lot more about the  
6 operation of that office than you would; isn't that true?

7 MR. HARRIS: Objection. That calls for speculation  
8 about the state of mind and knowledge of Laurel Sullivan,  
9 Your Honor.

10 THE COURT: Sustain the objection.

11 Q BY MR. FLYNN: There are people in the church  
12 that -- strike that.

13 You have a very specific post; do you not?

14 A Yes.

15 Q And, in fact, the structure of the Church of  
16 Scientology is broken down into very specific posts; is that  
17 correct?

18 A Yes.

19 Q And people are trained with respect to those  
20 specific posts; is that correct?

21 A That's right.

22 Q And they are trained on things that are  
23 generally called hat packs; is that correct?

24 A Yes.

25 Q What does the term "hat pack" mean?

26 A The word "hat" is used to describe someone's  
27 job, just like the hat you wear. If you were a conductor,  
28 you would wear a conductor's hat.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q The hat pack --

A The hat pack contains material relating to  
a particular post.

27E

1 Q And, in fact, in the training in connection with  
2 the Church of Scientology before you take post, you have to  
3 take training for that particular hat; is that correct?

4 A Well, theoretically that is correct. A lot of  
5 people have taken posts without doing training prior to  
6 doing that.

7 Q But in general that is the rule; is it not?

8 A That is generally what would be accepted.

9 Q Have you ever had any Guardian's Office  
10 training?

11 A Yes.

12 Q Did you do any Guardian's Office hat packs?

13 A Yes.

14 Q Which ones?

15 A I did an Assistant Guardian for legal hat pack  
16 and a Deputy Guardian for legal hat pack, those two.

17 Q Did you ever do any B-1 Bureau hat packs?

18 A Never did.

19 Q What is the B-1 Bureau?

20 A Well, what was the B-1 Bureau or how that term  
21 was used was the Information Bureau of the church which was  
22 basically the church's unit for doing investigations.

23 Q Did you ever do the Public Relations hat pack  
24 for the Guardian's Office?

25 A No.

26 Q Did you ever do the Public Relations hat pack  
27 for the personal office of L. Ron Hubbard?

28 A No.

1 Q Do you know what it is?

2 A I have seen -- I have seen hat packs for Public  
3 Relations. I am not sure which ones I have seen and I have  
4 not done them. I am not intimately familiar with them.

5 Q Now, can you tell me between 1977 and 1981  
6 whether the Central Office of the Office of L. Ron Hubbard  
7 was located in the Gilman Hot Springs property?

8 MR. LITT: Objection; vague. What does the term  
9 "Central Office" mean?

10 THE COURT: Well, I will sustain the objection. You  
11 can reframe the question.

12 Q BY MR. FLYNN: Do you know what "Central Office"  
13 means?

14 A Well, it would be a central office. There was a  
15 designation called "Central Office of LRH.".

16 Q Thank you, and where was the Central Office  
17 located?

18 A I'm not sure during that period of time.

19 Q Do you know whether Mr. Armstrong worked in the  
20 Central Office of L. Ron Hubbard?

21 A I'm not certain.

22 Q Do you know what the Household Unit is?

23 A I don't have personal knowledge. I have heard  
24 things about what it might be.

25 Q You have no personal knowledge of the Central  
26 Office of the Public Relations Office of L. Ron Hubbard and  
27 you have no personal knowledge of the Household Unit; is  
28 that correct?

1           A        I don't have personal knowledge.

2           Q        If I suggest to you that Gerald Armstrong was  
3 working personally for L. Ron Hubbard in the Personal Office  
4 Household Unit before he went to the Personal Office Public  
5 Relations Department, do you have any knowledge of that?

6           MR. HARRIS: Well, I will object to the form of the  
7 question.

8           THE COURT: I will sustain the objection.

9           Q        BY MR. FLYNN: Do you have any knowledge that  
10 Gerald Armstrong worked in the Household Unit of the  
11 Personal Office?

12          A        No.

13          Q        So you wouldn't know who he dealt with; is that  
14 correct, in that office?

15          A        That office? I didn't know he worked in that  
16 office, so, no.

17          Q        Do you know anyone that did?

18          A        No. I mean, I may know someone who did, but I  
19 don't know that they did if they did, if that makes sense.

20          Q        So if you weren't there, you can't tell us  
21 exactly what the structure of that office was; is that  
22 correct?

23          A        That's correct.

24          Q        And with regard to the Public Relations Office  
25 and the Central Office, if you weren't there, you can't tell  
26 us what the structure of that office was at that time; is  
27 that correct?

28          A        That is correct. I have seen some diagrams of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

that office, but I cannot tell you with personal knowledge of having seen it operate, no.

Q Can you name one person who was in the Central Office of L. Ron Hubbard between 1977 and 1981?

A I am a little unclear of what the Central Office was and what all it encompassed. I am sure I know people who worked in there, but I am not exactly sure what it was.

Q Can you name one person who worked in the Personal Public Relations Office of L. Ron Hubbard at Gilman Hot Springs between 1977 and 1981?

A Well, I am not sure that it was there. That is what I said before. If it was there, Laurel Sullivan probably did.

Q Anyone besides Laurel Sullivan?

A Well, I am just not sure that it was there during that period of time, so I can't answer that.

Q Do you know how long Laurel Sullivan worked personally with L. Ron Hubbard?

A No.

Q Do you know how long Gerald Armstrong worked personally with L. Ron Hubbard?

MR. LITT: Objection. This question and the last assumes facts not in evidence.

THE COURT: I will sustain the objection.

Q BY MR. FLYNN: Do you know whether either one of those individuals ever worked personally with L. Ron Hubbard?

A Not from personal knowledge, no.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q You were made a vice-president when?

A 1983, October.

Q And you are giving testimony here on the fact that these records come from the Church of Scientology; is that correct?

A From the Church of Scientology of California.

Q With regard to exhibit 6, I think it is, what you call the staff allowances; do you have those in front of you?

THE COURT: They are over here, counsel.

MR. FLYNN: Well, I will show him mine.

Q Would you look through those staff allowances and see if you can find one that says "Church of Scientology of California" on it?

A There are none that do. I have looked through these previously.

Q Have you seen payment vouchers that say "Church of Scientology of California" on them?

A Yes.

Q And yet you have produced payment vouchers that don't have one heading with the Church of Scientology of California on them; isn't that correct?

A That's correct.

Q Were you ever on the ship?

A Which ship?

Q Were you ever on any ship?

A I have been on boats. I haven't been on any ships.

1 Q Were you ever on the Apollo?

2 A No.

3 Q Do you know whether or not the people on the  
4 Apollo got disbursed payment vouchers?

5 A Yes, they did.

6 Q And do you know what it said on them?

7 A I have seen them. I don't recall real  
8 specifically right at the moment.

9 Q Do you know what corporation the people on the  
10 ship worked for, Apollo?

11 A I think so.

12 Q You think so?

13 A They worked for the Church of Scientology of  
14 California.

15 Q Have you looked through any of the sealed  
16 documents?

17 A No.

18 Q So you don't know the contents of any of the  
19 sealed documents?

20 A No.

21 Q Do you know whether the disbursement vouchers  
22 for people that were on the ship are also blank in terms of  
23 coming from a particular corporation?

24 A I believe that some of them are. I have a vague  
25 recollection of it. I have seen them -- I haven't seen any  
26 of those in a couple of years.

27

28



28-1

1 Q Prior to being made vice president in 1983  
2 had you ever been an officer, director of any corporation  
3 relating to the Church of Scientology?

4 A No.

5 Q Now, you brought in a document involving the  
6 board minutes of the Church of Scientology of California; is  
7 that correct?

8 A Yes.

9 Q Now, there is no date on that document, is  
10 there?

11 A No.

12 Well, there is a date within the resolution.  
13 There is not a date -- the document itself is not dated.

14 Q The date within the resolution refers to the  
15 fact of that November 14, 1980 letter from Publications  
16 Denmark, that is what is referred to; isn't that correct?

17 A That is correct.

18 Q Do you know when these board minutes were  
19 prepared?

20 A Around that same period of time. I don't  
21 know precisely what day.

22 Q Were you involved in the preparation?

23 A No.

24 Q That is what someone told you?

25 A That is what I was told.

26 Q Who is Larry Brennan?

27 A He is a Scientologist.

28 Q Does he hold any position in the Church of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Scientology of California?**

**A** Not at this time.

**Q** Did he, when these board minutes were prepared?

**A** I don't believe so.

**Q** Did Larry Brennan --

What positions within the Church of Scientology of California has Larry Brennan held?

**A** Well, I am not real clear on it, but I believe that he was in the legal department at some point. I am not sure exactly when he left that. That was in probably the early '70's.

**Q** Do you know whether he was ever an officer or director of Publications Denmark?

**A** No, I don't know that.

**Q** Do you know whether he was involved in the preparation of a contract between Publications Denmark and Omar Garrison?

**A** I have seen documents where he -- it appears that he was related to that or had something to do with it, but I don't know specifically what he did.

**Q** Prior to coming in here and testifying today did you consult with Larry Brennan with regard to your testimony?

**A** No, I didn't.

**Q** At any time prior to coming in here have you consulted with Larry Brennan about your testimony in connection with this case?

**A** No.

1 Q Who within the church have you consulted with?

2 MR. HARRIS: Other than attorneys, Your Honor?

3 MR. FLYNN: Other than lawyers.

4 THE WITNESS: Gary Press; he delivered the records  
5 to me.

6 Nick McNaughton, who was the secretary and  
7 had board books. I went and consulted with him and he showed  
8 me the board book and where things were. That is about it.

9 Q Let me show you this deed for the Gilman Hot  
10 Springs property. I'll ask you if you recognize that as the  
11 deed that you testified about that you had previously seen.

12 MR. HARRIS: Could I have a copy of that, Mr. Flynn?

13 MR. FLYNN: I don't have a copy, Your Honor. I will  
14 make one available.

15 MR. HARRIS: May I just approach the witness, Your  
16 Honor?

17 THE COURT: Sure.

18 THE WITNESS: I am not totally sure.

19 Yu see, there is more than one piece of property  
20 out there. And there's more than one deed. And I am not  
21 real good on real estate.

22 I saw a deed and it looked something like  
23 this. But I am not certain exactly which of the pieces  
24 of property out there that deed referred to.

25

26

27

28

29-1

1 Q Did you see any deed out at the Gilman Hot  
2 Springs property where the central office of L. Ron Hubbard  
3 was located that was in the name of the Church of Scientology  
4 of California?

5 MR. HARRIS: Assumes a fact not in evidence.

6 MR. LITT: Objection.

7 THE COURT: He asked if he saw it. He can ask whether  
8 he saw something or not.

9 MR. HARRIS: No, no. The assumption is that the  
10 central office of L. Ron Hubbard was at Gilman Hot Springs.

11 THE COURT: Do you want to read the question, Nancy.

12 (Record read.)

13 THE COURT: I will sustain the objection. It is a  
14 compound question.

15 Q BY MR. FLYNN: Between 1977 and 1980 do you  
16 have any knowledge about where the central office of  
17 L. Ron Hubbard was located?

18 A No, I don't quite know what that entity was.  
19 I have heard the term. I have seen it, but I don't know  
20 all of what was contained in the central office.

21 Q You just testified you don't quite know what  
22 that entity was; is that correct?

23 A Correct.

24 Q Did you testify on direct that you had knowledge  
25 of that office of the church that is part of the Church of  
26 Scientology of California?

27 A I don't think I testified that on direct  
28 examination. I testified about the personal office of

29-2

1 L. Ron Hubbard which is not the same thing.

2 Q How do they differ?

3 A Well, I don't know because I don't know what  
4 the one is. I know what one of them is. I don't know  
5 what the other one is.

6 Q What do you think the personal office is?

7 MR. HARRIS: Objection; calls for speculation.

8 THE COURT: He said he knew what one was. What one  
9 do you know?

10 THE WITNESS: The personal office.

11 THE COURT: You can describe that.

12 THE WITNESS: That is the one I have already described  
13 twice now.

14 Q BY MR. FLYNN: What is the personal office?

15 A Well, the personal office, I described the  
16 personal PR office. That is the one that I described before.

17 Q How many divisions in the personal PR office  
18 are there, Mr. Morrow?

19 A I am not sure, probably seven. That is the  
20 usual amount.

21 Q And what are they?

22 A I don't know.

23 Q Do you now whether they all represent for  
24 profit activities for L. Ron Hubbard?

25 A I know that they don't.

26 Q You don't know what they are, but you know  
27 that they don't; is that your testimony?

28 A Well, I know that the Church of Scientology

1 of California which contained that is operated as a non-  
2 profit corporation and that the activities were not for  
3 L. Ron Hubbard's profit.

4 Q Do you have any knowledge about one of the  
5 divisions of the personal office being to sell L. Ron Hubbard's  
6 books for his personal profit?

7 A I don't know that, no.

8 Q You don't know anything about that?

9 A To sell L. Ron Hubbard's books for his personal  
10 profit, no.

11 Q And you can't name me any of the seven divisions?

12 A We are talking about the period of time, the  
13 same period of time; is that right?

14 Q Correct.

15 A Not for certain. I have seen a diagram of  
16 that office, but I can't -- it is not something that I am  
17 real familiar with.

18 Q And you have never been on the premises at  
19 Gilman Hot Springs; is that correct?

20 A Never have.

21 Q And you know or you don't believe that any of  
22 the deeds are in the name of the Church of Scientology of  
23 California; is that correct?

24 A Any of which deeds?

25 Q Gilman Hot Springs properties.

26 A In that same period of time?

27 Q During that same period of time.

28 A From the ones that I have seen, they were not

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

in the name of the Church of Scientology of California.

Q Have you seen that deed that I have placed in front of you?

A Well, as I already said, I saw a deed for one of the properties out there and I am not good on real estate. This looks similar, but I am not sure which of the pieces of property it was that I saw.

Q Do you know who Richard Hoag is?

A No.

MR. FLYNN: I will offer this, Your Honor.

MR. HARRIS: I don't think it has been adequately described.

THE COURT: Sustained.

MR. HARRIS: But if it is a certified copy, then I wouldn't have any objection to its authenticity. But I would be concerned about its relevance since it doesn't --

THE COURT: We could mark it for identification at this time. It hasn't been tied up.

MR. HARRIS: For the court's benefit, I will seek out the records of the church and see if, in fact, that deed corresponds with it.

MR. FLYNN: The name John Peterson is on it, Mr. Harris.

MR. HARRIS: Well, big deal, Mr. Flynn.

MR. FLYNN: Well, he is counsel for the church.

THE COURT: What are we up to?

We will make it A for identification.

Q BY MR. FLYNN: Are you a member of the board of

1       **directors of the Church of Scientology of California?**

2           **A       No, I am not.**

3           **Q       Have you ever attended any meetings of the**  
4       **officers and/or directors of the Church of Scientology of**  
5       **California?**

6           **A       No, I have met with other officers. I haven't**  
7       **attended meetings where we have all gotten together.**

8           **Q       And to your knowledge based on your acquaintance**  
9       **with the corporate structure of the church as you have**  
10       **testified on direct examination between the years 1977 and**  
11       **1981, did L. Ron Hubbard play any managerial role within**  
12       **the Church of Scientology of California?**

13          **A       No, he didn't.**

14          **Q       None?**

15          **A       No.**

16          **Q       Do you know where L. Ron Hubbard was during**  
17       **those years?**

30f

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 Q Do you know who the officers and directors of  
2 the corporation Church of Scientology of California, Inc.  
3 were during those years?

4 A Which years?

5 Q '77 to '81?

6 A I can find out. I know who some of them were at  
7 some times but they were not the same during all of those  
8 years.

9 THE COURT: Maybe you can look at those documents and  
10 see if you can identify those. They purport to be members  
11 of the Board of Directors on there.

12 THE WITNESS: Laurie Zurn, Fred Hare, Susan Walker.

13 THE COURT: I am referring to exhibits 7 and 8.

14 Q BY MR. FLYNN: Did you ever attend any Board  
15 meetings during those years?

16 A No.

17 Q So if L. Ron Hubbard had attended Board  
18 meetings, you wouldn't even know about it?

19 MR. HARRIS: Objection, Your Honor.

20 THE COURT: Outside the scope. I'll sustain the  
21 objection.

22 Q BY MR. FLYNN: How do you know that L. Ron  
23 Hubbard didn't have any managerial role during those years,  
24 Mr. Morrow?

25 A He was not working in the church during those  
26 years and the church was being run by other people.

27 Q Who?

28 A Primarily, by -- well, it depends on which

1 aspect you are talking about.

2 The Board of Directors took care of the temporal  
3 matters.

4 As far as the ecclesiastical hierarchy, the  
5 Commodore Messengers International was probably up near the  
6 top running the organization.

7 Q And who is running the organization now?

8 A It would be pretty much the same.

9 Q And who in the Commodore Messengers is running  
10 it?

11 A I don't have personal knowledge of that.

12 Q Did you sign an undated letter of resignation as  
13 an officer?

14 A No.

15 Q Do you know whether it was the practice between  
16 1968 and 1981 for all directors of the Church of Scientology  
17 of California to sign undated letters of resignation held by  
18 L. Ron Hubbard?

19 A No. I don't know that that was the case.

20 Q Did you ever see one?

21 MR. HARRIS: Undated resignation letter held by L. Ron  
22 Hubbard? Is that the precedent, sir?

23 MR. FLYNN: That is the precedent, yes.

24 THE WITNESS: No.

25 Q BY MR. FLYNN: You haven't looked through the  
26 sealed documents?

27 A No.

28 Q You don't know whether there is a whole list of

1 undated letters of resignation in the sealed documents, do  
2 you?

3 MR. HARRIS: I'll stipulate that he has no knowledge,  
4 that he hasn't looked, Your Honor.

5 THE COURT: Sustained.

6 Q BY MR. FLYNN: Do you know whether the Board of  
7 Directors of the Church of Scientology of California signed  
8 undated letters of resignation between 1977 and 1981?

9 A I don't know whether they have or not. I  
10 haven't seen those.

11 Q Did you make a check of your corporate records  
12 for any of those?

13 A No, I didn't.

14 MR. FLYNN: That is all I have, Your Honor.

15 THE COURT: Redirect?

16 MR. LITT: Could we have a moment, Your Honor?

17 THE COURT: Yes.

18  
19 REDIRECT EXAMINATION

20 BY MR. HARRIS:

21 Q Mr. Morrow, let me ask you briefly, have you  
22 seen Church of Scientology of California invoices and  
23 disbursement vouchers which do not have "Church of  
24 Scientology of California" embossed upon them?

25 A Yes.

26 Q And is it a requirement of the corporation that  
27 in the ordinary course of business the disbursement vouchers  
28 have "Church of Scientology of California" embossed upon

1 them?

2 A No. It is only required that one keep a record  
3 of what transactions there are and that there is an invoice  
4 or disbursement voucher.

5 MR. HARRIS: I have no further questions, Your Honor.

6 I would move --

7 MR. FLYNN: Nothing further.

8 MR. HARRIS: I would move exhibits 7, 8 and 9 into  
9 evidence.

10 THE COURT: Any objection, counsel?

11 MR. FLYNN: One moment, Your Honor, please.

12 MR. HARRIS: I do intend, Your Honor, to designate  
13 Mr. Morrow as the officer of the corporation. And he may  
14 from time to time be required to help me out here with  
15 exhibits and so on, if that is all right with Your Honor.

16 THE COURT: Yes.

17 MR. FLYNN: Your Honor, we have no objection to  
18 exhibits 6, 7, or 9. But we object to the resolution on the  
19 ground that it is not sufficiently authenticated. It is  
20 undated. And we think that one of these people who signed  
21 it should be produced.

22 THE COURT: Apparently it came from the records.

23 I'll overrule the objection. It will be  
24 received.

25 MR. HARRIS: Could we have a brief recess, Your Honor,  
26 while I get the exhibits together for the next witness?

27 THE COURT: We'll take a 10-minute recess.

28 (Recess.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**THE COURT:** Well, that was a long 10 minutes.

**MR. HARRIS:** We were grateful for it.

**THE COURT:** I had to take a verdict next door and it took 20 minutes.

At any rate, let the record reflect that the parties and counsel are now present. You may call your next witness.

**MR. HARRIS:** Mr. Tom Vorm, V-o-r-m.

**TOM VORM,**

called as a witness by the plaintiff, was sworn and testified as follows:

**THE CLERK:** Would you be seated on the witness stand. Please state your name and spell your last name.

**THE WITNESS:** My name is Tom Vorm, V-o-r-m.

**DIRECT EXAMINATION**

**BY MR. HARRIS:**

**Q** Mr. Vorm, are you a scientologist?

**A** Yes, I am.

32-1

- 1 Q When did you first get into Scientology?
- 2 A Approximately 1975.
- 3 Q Did you go on the staff of Scientology Church
- 4 at some point?
- 5 A Yes.
- 6 Q When was that?
- 7 A Around October of 1975.
- 8 Q And are you a member of the Sea Organization?
- 9 A Yes.
- 10 Q What church were you on staff first?
- 11 A Church of Scientology Celebrity Center.
- 12 Q Is that here in Los Angeles?
- 13 A Yes.
- 14 Q What were your staff duties there?
- 15 A When I first went there I was on training
- 16 for about two or three months. Then I assumed the post of
- 17 Director of Validity which was in the qualifications schedule.
- 18 Q What generally was the duties of that?
- 19 A Director of Validity basically gave examinations
- 20 to students, made up certificates and more or less kept an
- 21 eye on the quality of the courses being delivered and made
- 22 sure they were done properly.
- 23 Q And for how long did you hold that particular
- 24 position?
- 25 A Right around two years.
- 26 Q At some point did you transfer to the staff
- 27 of another Church of Scientology?
- 28 A Yes.

1 Q Was that the Church of Scientology of California?

2 A Yes.

3 Q What was your first post there?

4 A The first post I held was called Guardian's  
5 Office Archives Librarian.

6 Q What were the duties of that post?

7 A That was a project going on at that time to  
8 copy various tape lectures that Mr. Hubbard had given since  
9 1950 or so.

10 My duties -- they were like the original lectures.  
11 And the project was to make copies of them.

12 My duties were to watch over those tapes,  
13 make sure they were handled properly by this project, log  
14 them in and out and keep an eye on the project itself;  
15 make sure it is done properly; the tapes that were made quality  
16 tapes.

17 Q What was the purpose of this project?

18 A Well, tapes as they were contained like the  
19 bulk of the research into Dianetics and Scientology. And  
20 as such they were like very valuable to the religion of  
21 Scientology.

22 The medium of tape actually came out around  
23 1950. And because of that, some of the early tapes were not  
24 made on real good quality tape and were sort of like getting  
25 fragile, that type of thing.

26 The project was basically to recopy them for  
27 preservation.

28

1 Q Was there a practice in your post with respect  
2 to the originals, what one would do with the originals as  
3 opposed to the copies?

4 A Right. Well, the originals were always kept  
5 separate from any other copies, and there was a policy or a  
6 practice at that time where anybody who wanted an original  
7 or access to an original needed to get Mrs. Hubbard's  
8 approval.

9 Q By the way, let's date this if we can. When did  
10 you first go on this post of Guardian office-archives  
11 librarian?

12 A It was the early part of 1978.

13 Q At some point did the post title change?

14 A Yes.

15 Q To what?

16 A It changed to controller-archives in charge.

17 Q Controller, was that a financial post?

18 A No.

19 Q When the post title changed, did your duties  
20 change?

21 A Not exactly at that moment, but shortly  
22 thereafter they did.

23 Q And how, if at all, were they changed?

24 A Well, the post of geoarchives-librarian was  
25 primarily concerned with the tapes.

26 When I assumed the post of controller-archives  
27 in charge, my duties were expanded to include the written  
28 materials and written published works and unpublished of



1 Mr. Hubbard, various scriptures of Scientology.

2 Q And what were your duties in respect to those  
3 written items?

4 A To keep them secure and also we wanted to  
5 preserve them, too, by various microfilm projects, that type  
6 of thing.

7 Q At some point did you become aware of some  
8 materials that properly belonged in your area that were  
9 elsewhere?

10 A Yes.

11 Q And in the process of determining that did you  
12 write some kind of a memorandum to -- strike that.

13 Did you have a conversation with anybody about  
14 getting those materials to your area?

15 A Yes.

16 Q And who was that?

17 A That would be -- there was someone in England  
18 doing an eval or a project to sort out the various archives,  
19 and I wrote to them about it.

20 Q Did there come a time when you received some  
21 trunks?

22 A Yes.

23 Q And did you request that you receive those  
24 trunks?

25 A I didn't actually personally, but it was --  
26 actually I had some input on it, but they did end up coming  
27 to me.

28 MR. HARRIS: Your Honor, I have a document dated

1 11 December 1979. May that be marked plaintiff's 10 for  
2 identification?

3 THE COURT: All right, exhibit 10 for identification.

4 Q BY MR. HARRIS: I show you what has been marked  
5 exhibit 10 and ask you if you recognize that?

6 A Yes.

7 Q And what is that?

8 A That is -- was basically Mrs. Hubbard's  
9 communication to me at the time that the trunks that  
10 contained the written materials were approved to come to me.

11 Q All right. Now, after the trunks got to where  
12 you were, what did you do with them?

13 A The first thing I did was lock them up in their  
14 own storage room and then I proceeded to go through them and  
15 to pull out various kinds of -- sort out the materials. The  
16 main ones I was interested in were the materials that  
17 concerned the works of L. Ron Hubbard in relation to  
18 Scientology and Dianetics, and I put them separately, put  
19 them into separate file cabinets and basically got them in  
20 order.

21 Q And approximately how many trunks were there  
22 that you received?

23 A There was close to 20, 25, somewhere around  
24 there.

25 Q And approximately what size?

26 A They were like your standard storage trunks, two  
27 feet by two feet square and about three feet long.

28 Q How long did it take you to pull the materials

1 out that were the materials of Dianetics and Scientology  
2 which you were interested in?

3 A There were quite a few materials. It took me  
4 several months, even a year. I mean, it was a continuing  
5 project.

6 THE COURT: Can we get some idea what point in time  
7 this is, what year this is?

8 THE WITNESS: The trunks came to me -- well, it was  
9 approved in December '79. The trunks came to me shortly  
10 thereafter.

11 Q BY MR. HARRIS: And then it took you several  
12 months and maybe even up to a year to pull the materials out  
13 that you had an interest in for your archives?

14 A Yes, that is correct.

15 Q Why did it take so long?

16 A Because there were a lot of materials.

17 Q What items remained in the trunks after you had  
18 pulled out the technical materials of Dianetics and  
19 Scientology?

20 A There remained a lot of personal items, private  
21 things that Mary Sue originally mentioned in her note that  
22 is in front of me, and those things, as far as the personal  
23 items, I mean, it was all sorts of things; wallets,  
24 insurance papers for Mr. Hubbard, research notes, wills.

25 There was personal income tax returns for  
26 Mr. and Mrs. Hubbard from the early '50s. There were  
27 science fiction, copies of science fiction magazines. It  
28 was very miscellaneous.

1                   Some of the things were just even described as  
2 like contents of the bottom right-hand drawer in  
3 Mr. Hubbard's study. There were also a lot of  
4 organizational dispatches that ranged from the 1950s to  
5 1960s, which Mr. Hubbard sent and received from various  
6 organization executives over that time period.

7                   There were corporate papers. There was just a  
8 real miscellaneous batch of material.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

34-1

1 Q And did the trunk also contain letters?

2 A Yes.

3 Q And did you have an opportunity to look at  
4 those letters?

5 A Yes, I did.

6 Q Can you give the court just a general  
7 description, not of the subject matter, but the addressees  
8 and so on of those letters?

9 A They were letters to his family, to his son,  
10 his mother, his father, his aunt, his father, and, of course,  
11 to Mrs. Hubbard and letters from her to him also.

12 Q Now, when did you meet, if ever, the defendant  
13 in this case, Mr. Armstrong?

14 A I met Jerry at an event in early 1980.

15 Q And what attracted you to him?

16 A He had a booth of material like LRH memorabilia,  
17 science fiction magazines. I think there were photos, photo  
18 albums, that type of thing that was set up out in the lobby  
19 of the Hollywood Palladium.

20 I wondered who he was and what he was doing.  
21 And that is what attracted me.

22 Q All right. Did you have a conversation with  
23 him at that time?

24 A Yes.

25 Q Who was present?

26 A There were quite a few people around, like  
27 milling around the lobby, that type of thing. But I don't  
28 think anyone overheard my conversation.

34-2

1                   Basically, I asked him who he was. He told  
2 me. And what he was doing, that type of thing.

3                   I identified myself as the controller archives  
4 at Sea.

5           Q           When he identified himself and what he was  
6 doing, what did he say in that respect?

7           A           Well, I believe he identified himself as  
8 VPRO researcher, at least identified with the First Bureau  
9 Office. I don't recall the exact specifics on that.

10          Q           Were you generally aware of what the First  
11 PRO office was doing?

12          A           Yes, more or less.

13          Q           And you had this conversation with him; did  
14 you tell him anything about what was in your archives area?

15          A           Well, I mentioned that -- he had some science  
16 fiction magazines laid out. And I had just received these  
17 trunks shortly earlier. And I recalled there were like  
18 25 or 30 of these magazines in one of the trunks.

19                   I thought that if he was collecting that type  
20 of thing, he might be interested. And I had let him know  
21 that I had some of these materials and that we should maybe  
22 get together when we had a little bit more time to talk and  
23 kind of figure out what each other was doing and how we  
24 could help each other.

25          Q           Now, at the same time -- well, you should  
26 tell me, I guess.

27                   You said there was some sort of evaluation  
28 going on, I guess, about where various archives should be

1 about that time, or --

2 A Yes. It was right around that time.

3 Q Now, when you referred to LRH, I take it you  
4 meant L. Ron Hubbard?

5 A Yes.

6 Q That is short for that; that is what he is  
7 known as?

8 A That is correct.

9 Q At some point did you write something to get  
10 approval to give some of the items of the trunks to  
11 Mr. Armstrong?

12 A Yes.

13 Q And when was that?

14 A I believe it was around January of 1981.

15 MR. HARRIS: I have a document, Your Honor, dated,  
16 as we'll see, misleadingly 6 January, 1980.

17 May that be marked plaintiff's exhibit 11?

18 THE COURT: All right.

19 MR. FLYNN: Your Honor, I have no objection to either  
20 this or the prior exhibit being offered into evidence;  
21 however, this document is dated 6 January, 1980 and refers  
22 to a document, 11 December, '79.

23 Mr. Harris just said it was dated misleadingly  
24 1980. And if we could clarify that --

25 THE COURT: His comments are not in evidence.

26 MR. HARRIS: I will. I intend to do that.

27 THE COURT: This document exhibit 10 says December 11,  
28 1979.

1 Q BY MR. HARRIS: This document, Mr. Vorn,  
2 marked plaintiff's exhibit 11, can you identify that?

3 A Yes.

4 Q What is that?

5 A That is a request from myself to Mrs. Hubbard  
6 listing out about 15 items plus a box of around 30 science  
7 fiction paperbacks and requesting her approval that I give  
8 these to Jerry.

9 Q And look at the date and tell me if the date  
10 that appears on the document is in fact the date that it  
11 was prepared.

12 A No, it is not.

13 Q What is the true date?

14 A The correct date would be January 6, 1981.

15 Q How do you know that?

16 A Because I referenced in the document an  
17 earlier communication I had with Mrs. Hubbard on the 26th  
18 of August, 1980 and also the people that the document was  
19 sent through signed it off and dated it 1981.

20 Q All right. Attached to the exhibit -- let me  
21 ask you -- is it a part of plaintiff's exhibit 11 to  
22 attach what has been attached? In other words -- well,  
23 that was really poorly phrased. Let me withdraw that.

24 When you prepared the original of exhibit 11  
25 did you attach the document to it dated August 26, 1980?

26 A Yes.

27

28



1 Q All right. Did you receive approval to transfer  
2 those items to Mr. Armstrong?

3 A Yes, I did.

4 Q And that was after sending them to Mrs. Hubbard?

5 A Yes.

6 Q For her approval?

7 A yes.

8 Q All right. Did you have occasion to see  
9 Mr. Armstrong after having delivered those items to him?

10 A You mean after I got the approval back and took  
11 these documents to him?

12 A Yes.

13 Q Yes, I saw him now and then.

14 Q When you saw him, where would you see him?

15 A I would see him in the hallways of the  
16 organization. We had various conversations about certain  
17 things. He sent me a couple of items that dealt with  
18 preservation of materials, a couple of phone calls now and  
19 then.

20 I can't recall the specifics on it. We did  
21 talk.

22 Q Did you ever meet him in his area?

23 A Yes.

24 MR. HARRIS: I have a chart, Your Honor. May that be  
25 marked plaintiff's exhibit 12.

26 THE COURT: Very well, 12 for identification.

27 MR. FLYNN: May I take a look at it, Your Honor?

28 MR. HARRIS: Yes, I'm going to show it to you,

1 Mr. Flynn.

2 MR. FLYNN: We have no objection, Your Honor; some  
3 question as to whether the Xerox machine is located where it  
4 is shown.

5 THE COURT: Well, let's be consistent now.

6 You have indicated you have no objection to  
7 either 10 or 11?

8 MR. FLYNN: No.

9 THE COURT: All right. We will receive 10 and 11 in  
10 evidence.

11 I gather 12 can be received in evidence. There  
12 can be testimony elicited as to what is what or where is  
13 where.

14 MR. HARRIS: Thank you, Your Honor.

15 Q Directing your attention to plaintiff's  
16 exhibit 12, do you recognize that?

17 A Yes.

18 Q And what is that? What does it depict?

19 A It looks like a layout of the office area where  
20 Gerry's office was at that time.

21 Q All right. When is the first time that you saw  
22 that particular area?

23 A It was shortly after I met Gerry at the event.

24 Q While you were in that area, did you have  
25 occasion to see what materials Mr. Armstrong had there?

26 A In general, yes.

27 Q What sort of materials did he have there?

28 A Well, when he first brought me in, it was just

1 in the same time he was telling me what he did and what he  
2 was involved in which was getting together a museum that  
3 would contain L. Ron Hubbard's things and also there was  
4 some mention of a biography that was going to be done, and  
5 so he was showing me some files around the office at that  
6 time, and he pulled open a file drawer at that time and  
7 there were various files. I recall some personal letters,  
8 that type of thing.

9 Q Those were located where on the chart?

10 A In the bottom right-hand office there that is  
11 marked "Archives."

12 Q All right. Now, did you have a conversation  
13 with him making reference to an office to be used by Omar  
14 Garrison?

15 A Yes, there was some mention of it.

16 Q And does the chart depict where that office was  
17 to be?

18 A That is where I recall it to be, yes.

19 Q Now, after you had delivered this batch of  
20 material where you had received approval, if I take your  
21 testimony correctly, you then met with him on other  
22 occasions thereafter?

23 A Yes.

24 Q Did you also have telephone conversations with  
25 him?

26 A Yes.

27 Q In any of the meetings or telephone  
28 conversations, did you discuss the contents of the trunks?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A Yes.

Q Could you state approximately when the conversations were, who was present, what he said and what you said?

A Well, it was from 1981. This was after I brought the two boxes to him.

Just in general, I can't recall the exact specifics because they were rather mundane conversations, but it concerned primarily when the personal materials I had in the trunks will be transferred over to him and my answer was usually as soon as I could get approval on it, which hadn't been done yet but which I had to do before I could give those materials to him, and that occurred several times at various times.

Q Did there come a time when you again attempted to communicate with Mary Sue Hubbard about the materials in the trunks?

A Yes.

Q And was that in writing?

A Yes.

Q Did you receive an answer?

A No, I didn't.

Q Did you do anything else to try to straighten out the matter of the trunks?

A Well, after I didn't get any answer back from Mary Sue, I sent a request to the new controller who was called Gordon Cook who had offices out in Clearwater proposing a solution to the handling of these personal

1 materials in the trunks and how they should be disbursed  
2 since Mary Sue wasn't there, and he sent back his answer  
3 saying that that was approved.

4 Q And what was the proposal that you made as to  
5 how this should be handled?

6 A Well, since there was so many materials, what I  
7 proposed was that instead of listing them all out like I had  
8 done in my original thing to Mary Sue, that I just go  
9 through the trunks with Gerry and we would go through and he  
10 would let me know if there was anything that he would need  
11 for his biography, and if that wasn't something that I  
12 needed for the controller archives or pertaining to  
13 Dianetics and Scientology or L. Ron Hubbard's works in that  
14 respect, then I would give them to him.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

36-1

1 Q And approximately when did you get approval  
2 to go through this procedure?

3 A That was right around October of 1981.

4 Q And what did you do pursuant to that approval?

5 A When I got it back I called Gerry up because  
6 it was one of the first things I did because we talked about  
7 it so much. Finally we had approval.

8 And then we set up a time that he would come  
9 over and then when that occurred, we went through the trunks  
10 one by one, pulling out materials that would be transferred  
11 over to him.

12 Q Did you put any restrictions on what materials  
13 Mr. Armstrong could have?

14 A Well, there certain materials in the trunks  
15 that I didn't feel good about giving him. Those were  
16 primarily -- and what is about six files, about a foot thick  
17 or so of correspondence, personal. I considered it quite  
18 private correspondence between Mary Sue and LRH.

19 There were things like their marriage  
20 certificate, passports for the children, some things that  
21 Mary Sue had mentioned in her original instructions to me.

22 Q That would have been the original instructions  
23 in exhibit 10?

24 A Yes.

25 Q The 11th of December, 1979 --

26 A Yes.

27 Q Fine. Okay. So what did you do about that,  
28 not feeling good about it?

1           A           Well, I wasn't going to give them to Gerry at  
2 first, but Gerry insisted that they were like key to the  
3 biography because, evidently, the way he explained it  
4 to me was that when he was doing research on the biography,  
5 various dates and names and that type of thing came up.  
6 And that I felt that these were private things.

7                       He assured me that they wouldn't be used in  
8 the biography per se, but they would just be used as  
9 verification in that respect. He needed them for the  
10 biography. On that condition, I let him make copies and  
11 kept the originals.

12           Q           The archives that Gerry had control of, do  
13 you now have control of those archives?

14           A           Yes.

15           Q           And have you been to the sealed documents here  
16 in this courthouse?

17           A           Yes.

18           Q           Did you have an opportunity to look over what  
19 was there?

20           A           Yes, fairly good.

21           Q           Can you tell the court or estimate for the  
22 court approximately how many original documents are under  
23 seal which you do not have copies in your archives?

24           A           As a rough guess, I would say between 2- and  
25 3,000 pages, something like that.

26           THE COURT:   How many?

27           THE WITNESS:  Two and three thousand pages.

28           Q           BY MR. HARRIS: And have you had an occasion in

1 your post as archivist to speak with people who collect  
2 the materials of L. Ron Hubbard?

3 A Yes.

4 Q Private collectors?

5 A Yes.

6 Q On how many occasions?

7 A Five or six, something like that.

8 Q Do you have some estimate of the value of the  
9 archives that you control?

10 MR. FLYNN: Objection, Your Honor.

11 THE COURT: I'll sustain it. There is no foundation  
12 at this point.

13 Q BY MR. HARRIS: Are you aware of sales of  
14 LRH manuscripts and letters?

15 A Yes.

16 Q How are you aware?

17 A There was a matter that came up about a  
18 year or less ago regarding a collector that had found some  
19 materials at a location. And I think it was in Kansas or  
20 Texas or something like that. And he was planning on  
21 selling these materials. And we discussed actually getting  
22 those materials into the archives rather than selling them.  
23 And he agreed to that.

24 One thing he did sell which was a copy of a  
25 manuscript, actually an unpublished manuscript by Mr. Hubbard  
26 on civil defense. And it went for around \$30,000.

27 MR. FLYNN: I object and move to strike, Your Honor.  
28 That is hearsay.



1           MR. HARRIS: There probably will be an exception to  
2 the hearsay rule in respect to that, Your Honor if that was  
3 in fact the fair market value of the item and that is what  
4 it was sold for. That would have been the terms of a  
5 contract. But I'll submit it.

6           THE COURT: Well, I assume that it would only have  
7 relevance -- not going to be hearsay to prove that he did  
8 sell some book for \$30,000, but to show that in this  
9 witness's opinion he might have.

10           The problem is there is no way we can develop  
11 this. There is no way this witness has of knowing unless  
12 he had some personal knowledge of what was in that particular  
13 manuscript or how it might compare with something else.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 MR. HARRIS: Well I understand the problem, Your  
2 Honor. I will try to develop a bit more. If I fail, I fail.

3 THE COURT: All right.

4 MR. FLYNN: Your Honor, may I also add there is  
5 absolutely no foundation of who bought it, the circumstances  
6 under which it was purchased. It is just rank hearsay as  
7 to who paid what to whom.

8 THE COURT: Well, for that purpose it would be, but  
9 it may have some relevance to something else here. Maybe  
10 this witness has some ability to express an opinion.

11 I will let you proceed anyway at this point.

12 Q BY MR. HARRIS: Mr. Armstrong, have you seen--  
13 Mr. Armstrong -- my apologies, Your Honor, and most  
14 particularly to you, Mr. Vorm.

15 Have you seen in the past any items that were  
16 for sale that were L. Ron Hubbard manuscripts?

17 A Yes.

18 Q Where, when, under what circumstances?

19 A There was a lady in Las Vegas who had an  
20 original manuscript written by L. Ron Hubbard. It was an  
21 18-page document in his own handwriting. She was offering  
22 it for sale for approximately \$75,000.

23 MR. FLYNN: Same objection, Your Honor.

24 THE COURT: Well, I will just receive it for the  
25 fact that he is aware of this, not that it is worth \$75,000.

26 MR. HARRIS: That is all it is being offered for.

27 THE COURT: Received for a limited purpose as to  
28 his state of mind.

1 Q BY MR. HARRIS: And this 18-page document,  
2 what was it, if you recall?

3 A It as amanuscript of some writing, actually  
4 some material that deal with Scientology philosophy as well  
5 as some theory behind some of the practices of Scientology.

6 Q Other than that particular one which was being  
7 offered for \$75,000, have you seen other original manuscripts,  
8 letters, documents of L. Ron Hubbard that were for sale?

9 A Yes.

10 Q Where, when, under what circumstances?

11 MR. FLYNN: Same objection, Your Honor.

12 THE COURT: Overruled. If he's seen it, observed it.

13 THE WITNESS: There was, along with this manuscript  
14 that went for \$30,000, which was a copy by the way, there  
15 was some original papers that were discovered by these  
16 collectors which they turned over to me, but prior to them  
17 turning it over to me they had been planning of selling it  
18 and they had mocked up or created a sheet that listed out  
19 the items and the approximate sale that they wanted -- the  
20 asking price, and these were various letters from Mr. Hubbard  
21 to some early organizational people from the 1950's, like  
22 1950, '52, around there, and all it was was just like  
23 correspondence. There was nothing really special about it  
24 other than it was just some correspondence, and they were  
25 asking around \$150,000 for it.

26 Q BY MR. HARRIS: For how many pieces?

27 A Was around probably 20, 25 pages of documents.  
28 Some of them typed with just Mr. Hubbard's notes on them.

1 There were a couple that we all in his handwriting.

2 Q Are you aware of any actual purchases by the  
3 church while you were archivist of LRH materials?

4 A The only knowledge I would have of that --  
5 I don't have any knowledge of the transaction itself other  
6 than I do have materials in my possession which have been  
7 identified to me that they were bought by the church from  
8 a collector.

9 Q But you wouldn't know what the price was that  
10 was paid?

11 A What I was told by the same person, basically  
12 the collector that they were bought from, and it was around  
13 \$60,000.

14 MR. FLYNN: Objection; move to strike.

15 THE COURT: I will strike it. I think that the  
16 witness can testify that the documents have value, but as  
17 to what the value would be, I don't think he is competent to  
18 testify to that.

19 MR. HARRIS: Well, perhaps we can settle on a range,  
20 Your Honor. There is valuable and valuable.

21 I just want to get across the point that  
22 there is some value in excess of the paper they are written  
23 on.

24 THE COURT: I think the witness can testify to that,  
25 but anything as to what precisely, you'd have to have an  
26 expert to testify to that, somebody that is qualified to  
27 deal with that subject.

28 MR. HARRIS: Very well. I will drop that for now.

1 THE COURT: All right.

2 Q BY MR. HARRIS: In viewing the documents under  
3 seal, can you tell me or estimate approximately how many  
4 came from the controller's archives?

5 THE COURT: If you know.

6 Q BY MR. HARRIS: If you know.

7 A I can't say a percentage, but I did see  
8 quite a few that I recognized as coming from the controller's  
9 archives.

10 Q And among the ones that were from the controller's  
11 archives, can you give me an estimate of the percentage  
12 that are originals rather than copies?

13 A Again I am not sure about the percentage, but  
14 I did see quite a few originals that were in Mr. Hubbard's  
15 handwriting.

16 MR. HARRIS: May I have just a moment.

17 THE COURT: Yes.

18

19

20

21

22

23

24

25

26

27

28

1 MR. HARRIS: No further questions.

2 THE COURT: You may cross-examine.

3 MR. FLYNN: Thank you, Your Honor.

4

5

CROSS-EXAMINATION

6

BY MR. FLYNN:

7

Q Mr. Vorm, you were in charge of controller  
8 archives?

9

A That's right.

10

Q When?

11

A From approximately 1979 to the present time.

12

Q And how many other types of archives from 1979  
13 to the present time were there?

14

A Well, Gerry had his archives; there was an  
15 archive in England. That was a question that was being  
16 basically sorted out as to where these materials were and  
17 who should maintain the care of them and safekeeping.

18

Q Approximately how many pages of documents did  
19 Mr. Armstrong collect if you know in his archives?

20

A I don't know. He had several file cabinets  
21 full.

22

Q Several hundred thousand?

23

A I don't know. Because he made a lot of copies.  
24 And I am not sure how many of the bulk were copies and which  
25 were the originals.

26

Q Approximately how many pages of documents did  
27 you have in controller archives?

28

A Several hundred thousand.

1 Q Of those several hundred thousand how many are  
2 originals?

3 A In my archives?

4 Q Correct.

5 A Almost all of them.

6 Q Have you done an inventory of Mr. Armstrong's  
7 archives?

8 A Not a complete inventory, no.

9 THE COURT: That is a little ambiguous.

10 Are you referring to the documents under seal,  
11 or what he might have had at some other time, or what?

12 MR. FLYNN: I'll develop that, Your Honor.

13 THE COURT: Okay.

14 Q BY MR. FLYNN: Mr. Armstrong was the personal  
15 PRO researcher; is that correct?

16 A That is what I understood was his post title.

17 Q Senior?

18 A Yes.

19 Q He was in charge of the archives for the  
20 biography?

21 A Right.

22 Q Is that correct?

23 A Yes. Right.

24 Q And Mary Sue Hubbard knew that, didn't she?

25 A I don't know if she did or not.

26 Q You informed her of that, didn't you?

27 A That he was going a biography?

28 Q That he was in charge of archives material for

1 the biography.

2 A I think I made mention in one of my  
3 communications. I don't know exactly what I told her.

4 Q On exhibit 11 you told Mary Sue Hubbard -- which  
5 she approved -- that, ". . .In addition, I believe many of  
6 the items in Box 1 would be invaluable to the work they are  
7 presently doing on the LRH biography."

8 A Right.

9 Q Isn't that correct?

10 A That's right.

11 Q And she signed in the upper right-hand corner  
12 "Very good. Approved"?

13 A That's right.

14 Q So she knew that Gerry Armstrong was collecting  
15 materials for the archives biography; is that correct?

16 A For the LRH biography.

17 Q For the LRH biography?

18 A Evidently, if she read my thing, she did.

19 Q There was no question about the fact that  
20 Mr. Armstrong was selecting these documents for the  
21 biography and that you petitioned Mary Sue Hubbard to give  
22 him documents from controller archives?

23 A That is right.

24 Q She was removed as controller at some point; is  
25 that correct?

26 A That is true. I think -- I am not sure of the  
27 circumstances surrounding that.

28 Q Well, you were in the Guardian's Office;



1 correct?

2 A For a while, yes.

3 Q And the controller was head of the Guardian's  
4 Office; is that correct?

5 A I was in the controller's office. I am not  
6 sure. It seemed to be, but I'm not sure exactly what the --  
7 you know the exact legal lines were between the controller's  
8 office and the Guardian's Office.

9 Q Well, what was the controller's office?

10 A It was the office of the controller, Mary Sue's  
11 office.

12 Q She was in charge of the Guardian's Office; you  
13 knew that.

14 MR. HARRIS: Is that a question, or a statement?

15 THE COURT: I'll sustain the objection.

16 Q BY MR. FLYNN: Did you know she was in charge of  
17 the Guardian's Office?

18 A I knew she had some dealings with it.

19 Q After she was removed from her post as  
20 controller, you sent another petition to give more documents  
21 to Mr. Armstrong; didn't you?

22 A That's true.

23 Q This is a copy of that petition, is it not?

24 A That is true. The bottom is cut off a little  
25 bit, but that is essentially the right one.

26 Q This is the petition that you sent?

27 A Right.

28 MR. FLYNN: I would offer it, Your Honor.

1 THE COURT: It will be marked as exhibit B.

2 Is there any objection, gentlemen?

3 MR. HARRIS: No objection, Your Honor.

4 THE COURT: It will be received.

5 MR. HARRIS: I would like to get a copy of it so I can  
6 read it at my leisure.

7 MR. FLYNN: They have the original; we don't have it.

8 All we have got is what they gave us.

9 MR. HARRIS: I'll find it, Your Honor.

10 THE COURT: All right.

11 Q BY MR. FLYNN: On exhibit B you stated, "He  
12 already has many file cabinets of this type of material and  
13 I feel this material we have rightfully belongs with him";  
14 isn't that correct?

15 MR. HARRIS: Exhibit B speaks for itself, Your Honor.  
16 It is unlikely that the witness would be able to duplicate  
17 exactly what he wrote. If he is shown the document, I have  
18 no objection.

19 THE WITNESS: Could I have the question again?

20 Q BY MR. FLYNN: You gave further materials to  
21 Mr. Armstrong as set forth in your writing on exhibit B; is  
22 that correct?

23 A That is correct.

24 Q And what additional materials did you give him?

25 A It was a whole bunch of materials, things that  
26 mainly pertained to the biography.

27 Q And who was the controller when you got approval  
28 to give him those?

1           A       The controller was Gordon Cook.

2           Q       Mary Sue Hubbard was no longer the controller?

3           A       That is true.

4           THE COURT:   What date is that "B"?

5           THE WITNESS:   10 October '81.

6           THE COURT:   All right.

7           Q       BY MR. FLYNN:   Based on the authority lines  
8           within the organization, you surrendered those documents to  
9           Mr. Armstrong because the controller gave you authority;  
10          isn't that correct?

11          A       That is true.

12          Q       And you were in charge of the controller  
13          archives?

14          A       That is true.

15          Q       Now, let's see if we can find out what was in  
16          what archives.

17                    You testified that you don't know what  
18                    percentage of the documents currently under seal were  
19                    originals from the controller archives; is that true?

20          A       That is true.

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q Can you name one document?

A I can't specifically, no, but some of them are big files that are just -- I mean, there is a lot of papers in there.

Q How many times have you gone downstairs and inventoried documents?

A None.

Q Have you sent other people over here to inventory documents?

A No.

Q Has an inventory been done of the documents downstairs?

A I believe so, yes.

Q Have you seen it?

A Yes.

Q Do you have it?

A No.

Q Have you seen it in the last week?

A No.

Q Do you know where it is?

A No.

Q How extensive is it?

MR. HARRIS: Well, objection, Your Honor. That is ambiguous.

MR. FLYNN: I will withdraw it.

Q How many pages is it?

A The copy that I saw that was told to me was the inventory of the documents in the court was -- I don't

1 know. It was fairly thick, at least maybe a quarter of  
2 an inch thick of paper.

3 Q In fact, the organization has been regularly  
4 going in and has made an inventory of every document downstairs;  
5 isn't that accurate, and you have seen it?

6 A No, I haven't.

7 Q You haven't seen the inventory?

8 A I have seen an inventory.

9 Q Can you name one document that is currently  
10 under seal from controller archives?

11 A Not by name, no.

12 Q Now, approximately how many pages of materials  
13 did you give with the permission of the controller from  
14 controller archives to Mr. Armstrong?

15 A I don't know if I would know by pages, but by  
16 general bulk there were several boxes full of files.

17 Q And when you gave those several boxes, you first  
18 gave the boxes with Mary Sue Hubbard's approval when she was  
19 controller and subsequently with Gordon Cook's approval when  
20 he was controller; correct?

21 A Right, at different times.

22 Q Were there any documents that you gave to  
23 Mr. Armstrong where you didn't have approval from the  
24 controller?

25 A Not that I recall, no.

26 Q Now there is a notation on exhibit 10 that  
27 there were archives material being routed to the SU; do you  
28 see that?

1           A        Yes.

2           Q        What is the SU?

3           A        Well, what I understood it to be, it stood for  
4 Special Unit.

5           Q        Where was the Special Unit located?

6           A        I think it means Gilman Hot Springs. I am  
7 not sure about that.

8           Q        In 1979 were you at Gilman Hot Springs?

9           A        No.

10          Q        In 1980 were you at Gilman Hot Springs?

11          A        No.

12          Q        Did you have any participation in the shredding  
13 operations that took place in early 1980?

14          A        No.

15          MR. HARRIS: At Gilman Hot Springs, Counsel?

16          MR. FLYNN: Anywhere?

17          MR. HARRIS: I will object to that, Your Honor, as  
18 irrelevant.

19          THE COURT: Well, he's already answered "no"; I think.  
20 Am I correct?

21          THE WITNESS: Right.

22          THE COURT: Let the answer stand.

23          Q        BY MR. FLYNN: In early 1980 I take it you  
24 were in charge of the controller archives?

25          A        That is right.

26          Q        When you were in charge of the controller  
27 archives, did you get briefed on a mission to shred all  
28 documents that showed L. Ron Hubbard's connection --

1           MR. HARRIS: "Briefed on a mission"; I am sorry, but  
2 I don't quite understand the nature of the question. Perhaps  
3 Mr. Flynn could rephrase it.

4           THE COURT: You can rephrase it.

5           Q        BY MR. FLYNN: In early 1980 did you get  
6 briefed to go through all of the documents in controller  
7 archives and shred documents that showed L. Ron Hubbard's  
8 connection to the church?

9           A        No.

10          Q        Did you see anyone else doing that?

11          A        No.

12          Q        What was your answer, Mr. Vorm?

13          A        No.

14          Q        Where were you located at that time?

15          A        In Los Angeles.

16          Q        Who worked for you at that period of time in  
17 the controller archives?

18          A        No one.

19          Q        Who was your supervisor?

20          A        A person by the name of Vilia Roubinek.

21          Q        Did you have any conversation with the  
22 intervenor, Mary Sue Hubbard, in the latter part of 1979 or  
23 the early part of 1980 relative to shredding documents in  
24 the controller archives?

25          A        No.

26          Q        What is the B-1 Bureau?  
27  
28

1 MR. HARRIS: Objection. Irrelevant, Your Honor.

2 MR. FLYNN: I'll tie it together, Your Honor.

3 THE COURT: Overruled.

4 You may answer if you know.

5 THE WITNESS: Well, I think it stood for Bureau 1 of  
6 the Guardian's Office.

7 Q BY MR. FLYNN: That was the intelligence unit?

8 A I was told it stood for Information Bureau.

9 Q Did the Information Bureau go through the  
10 controller archives and shred documents in the early part of  
11 1980?

12 A No.

13 Q Did you tell Mr. Armstrong that that had been  
14 done?

15 A Not that I recall.

16 Q Of the documents under seal -- strike that.

17 Has an inventory been done of the archives that  
18 Mr. Armstrong was in charge of?

19 MR. HARRIS: By this witness, Your Honor?

20 THE COURT: I am sorry.

21 Would you read the question, please?

22

23 (The question was read.)

24

25 THE COURT: If you know.

26 THE WITNESS: I think there may have been an attempted  
27 one soon after Gerry left, but aside from that, no, not that  
28 I know of.



1 Q BY MR. FLYNN: Have you seen the attempted  
2 inventory?

3 A I saw portions of it.

4 Q So the inventory was never completed?

5 A I don't know. I was not involved in it.

6 Q You testified that two to three thousand pages  
7 of materials under seal are originals that are not in the  
8 possession of the organization; is that correct?

9 A Uh-huh.

10 THE COURT: You have to answer audibly, sir.

11 THE WITNESS: Yes.

12 Q BY MR. FLYNN: Have you gone through each and  
13 every page of materials in the Armstrong archives?

14 A No.

15 THE COURT: Well, again, now are you referring to the  
16 matters under seal? You say "Armstrong archives." I am not  
17 sure what you mean. I don't understand what you are  
18 referring to.

19 MR. FLYNN: I'll clarify it, Your Honor.

20 Q Your testimony, Mr. Vorm, is that there are two  
21 or three thousand pages under seal that are originals that  
22 are in the possession of the organization; is that correct?

23 A Right.

24 Q Now, first of all, you are only in charge of  
25 controller archives; is that correct?

26 A Right now?

27 Q During the relevant period.

28 MR. HARRIS: What is the relevant period? It could be

1 right now.

2 MR. FLYNN: I'll withdraw it.

3 Q You were in charge of controller archives from  
4 '79 to the present; is that correct?

5 A That is true.

6 Q And there are several hundred thousands of pages  
7 of materials in controller archives; is that correct?

8 A That is true.

9 Q And on two occasions you gave permission for  
10 Mr. Armstrong to have possession of materials from  
11 controller archives; is that correct?

12 A That is true.

13 Q How many pages of materials did you give to  
14 Mr. Armstrong from controller archives?

15 A Well, I am not sure as far as pages go.

16 There were several boxes that were transferred  
17 over to him.

18 Q Of those several boxes that were transferred  
19 over to him from controller archives how many pages of  
20 material are currently under seal from those materials?

21 A Well, as I said, I believe it is approximately  
22 two to three thousand pages that I saw downstairs.

23 Q Now, your testimony now is -- so this is  
24 clear -- that there are two or three thousand pages of  
25 originals under seal from controller archives; is that  
26 correct?

27 A That's right.

28 Q Yet, you don't know what the percentage of

1 documents is under seal that are from controller archives in  
2 proportion to the rest?

3 A Well, I didn't want to give a specific answer  
4 because I haven't had everything out on the table and said  
5 okay, this is the percentage.

6 Q Have you done an inventory of the documents  
7 under seal or -- strike that.

8 Have you seen an inventory of the documents  
9 under seal that are from controller archives?

10 A I don't know if I recall exactly. I seem to  
11 recall there was something that was made up, that a check  
12 was made regarding the files. And whether they came from  
13 controller archives and that type of thing --

14 Q Where is that inventory now?

15 A I don't know.

16 Q If you are subpoenaed back here to testify for  
17 the defense can you get your hands on it?

18 MR. HARRIS: If Mr. Flynn wishes to subpoena the  
19 church for the item and can describe it with specificity,  
20 we'll produce it, Your Honor.

21 MR. FLYNN: I would like all inventories of documents,  
22 Your Honor.

23 MR. HARRIS: That is egregious, Your Honor.

24 All inventories made by anybody, anyplace? Of  
25 what? Why doesn't he put it in a subpoena and serve it on  
26 us, Your Honor?

27 THE COURT: All he needs is a notice to produce. If  
28 it is something that you can produce, I can short-cut that

1 by making the order right here.

2 What is it you want, inventories of materials  
3 which are downstairs on file under seal?

4 MR. FLYNN: Yes, Your Honor.

5 THE COURT: If you have such an inventory, you are  
6 ordered to produce it.

7 MR. HARRIS: We'll produce it tomorrow, Your Honor.

8 Q BY MR. FLYNN: Now, is there an inventory of the  
9 materials collected by Gerald Armstrong for the biography  
10 project aside from the documents under seal?

11 A I don't know.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Q Have you seen the documents collected by  
2 Mr. Armstrong for the biography project that are not under  
3 seal?

4 A I have seen some of them, yes.

5 Q Approximately how many?

6 A I don't know if I can answer that because  
7 they were given to me along with a lot of other materials  
8 but I am not sure whether they were for the biography  
9 project or not.

10 Q Just restrict your testimony to documents  
11 collected by Gerald Armstrong.

12 How many documents have you seen that were  
13 collected by Gerald Armstrong that are in possession of  
14 your organization that are not under seal?

15 A Several file cabinets, maybe three, four file  
16 cabinets, something like that.

17 Q How many drawer file cabinets?

18 A Four.

19 Q And are they all full?

20 A No.

21 Q Have those documents been inventoried?

22 A No.

23 Q Your answer was what, Mr. Vorm?

24 A No.

25 Q So you don't know then whether copies of the  
26 documents under seal may exist in those file cabinets;  
27 is that correct?

28 A Well I have a pretty good idea. I have been

1 through most of those documents just looking through what was  
2 contained in the file cabinets.

3 What was asked of me earlier was if we had  
4 copies of those particular documents which would be fairly  
5 easy to tell a copy from the original since the originals  
6 are fairly old and that type of thing.

7 Q Well, the originals are under seal; correct?

8 A Well you asked me if I knew whether we had  
9 copies of these documents where the originals are under  
10 seal here.

11 Q Correct.

12 A Right, and you asked me if I had been through  
13 the materials where the originals that I had received from  
14 Gerry Armstrong, if I would know whether there were copies  
15 of them -- of the originals that are in the court, and I  
16 said I had been through those file cabinets just scanning  
17 through, and to my knowledge there is no copies in there at  
18 all of those particular documents.

19 Q Did you use any inventory to do a comparative  
20 analysis?

21 Q Has anyone done that?

22 A I don't know.

23 Q Now in the summer of 1983 the organization  
24 received documents back from Omar Garrison; is that correct?

25 A That is true.

26 Q Did you inventory those?

27 A No.

28 Q Approximately how many documents did you receive

1 back from Omar Garrison?

2 A Several boxes.

3 Q In terms of numbers of pages of material, can  
4 you give me an estimate?

5 A Well I don't know how many pages are in a box,  
6 so I really can't but there were probably eight boxes,  
7 something like that.

8 Q You have given us an estimate of 2- to 3,000  
9 pages of originals; is that correct, under seal?

10 A Approximately.

11 Q How did you arrive at that estimate?

12 A I just roughly guessed.

13 Q It was just a rough guess?

14 A That is right.

15 Q Can you give me a rough guess of how many  
16 thousands of pages you received back from Omar Garrison?

17 A Copies and originals, a rough guess would be --  
18 I don't know -- 50,000, something like that.

1 Q Have those been inventoried?

2 A Not that I know of.

3 Q Did you go through them?

4 A On a rough, just a general scan through, yes.

5 Q Did you make any notes?

6 A No.

7 Q Have you -- do you know whether anyone else has  
8 conducted an inventory of those materials?

9 A I think there may have been some type of a rough  
10 thing done, yes.

11 MR. FLYNN: Your Honor, may that be produced also if  
12 an inventory has been done of Omar Garrison's documents?

13 THE COURT: If there is such an inventory, then the  
14 church will be ordered to produce it.

15 The contention has been made about two or three  
16 thousand originals. And counsel has a right to explore  
17 that.

18 MR. HARRIS: I understand, Your Honor. If we produce  
19 these, we would like them produced under seal since they  
20 describe the documents that are under seal.

21 THE COURT: I don't know how you describe them.

22 We can have sort of an in camera situation, if  
23 you wish.

24 Q BY MR. FLYNN: Mr. Vorm, can you name one  
25 document under seal that is an original that the  
26 organization does not have possession of either in  
27 controller archives, among the documents collected by  
28 Mr. Armstrong, or among the documents returned by Omar



1 Garrison?

2 A No, I can't specifically.

3 Q How long have you worked in comparing the  
4 documents that are under seal in this case, the documents  
5 that are in the possession of the organization either from  
6 Omar Garrison, Gerald Armstrong, or in the controller  
7 archives?

8 A Total hours since this case started?

9 Q Correct.

10 A Maybe two weeks full time. That would be 24  
11 hours a day times 14. That would be just the number of  
12 hours approximately.

13 Q Do you know of any individual who has worked  
14 more than you for the organization in doing a comparative  
15 analysis of the documents under seal to the documents in  
16 possession of the organization?

17 A Yes.

18 Q Who?

19 A Ken Long.

20 Q How many hours has he worked if you know?

21 A I don't know.

22 Q Did he prepare the inventories?

23 A He may have been involved in it. I am not sure  
24 of that.

25 Q Did you consult with him prior to your testimony  
26 here today?

27 A I have talked to him, yes.

28 Q But in any event, your testimony is that you

1 cannot identify one document; is that is that correct?

2 A Not from the stand right now, no. That is  
3 correct.

4 Q Did you engage in any preparation for your  
5 testimony here today?

6 A Yes.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

43-1

1 Q Now, you testified that you met Mr. Armstrong  
2 at the Hollywood Palladium; is that correct, for the first  
3 time?

4 A Yes.

5 Q And approximately when was that?

6 A Right around February of '80.

7 Q What were the circumstances surrounding that  
8 event?

9 A They were showing a film at that event as I  
10 recall.

11 Q What film were they showing?

12 A I think it was called "Dive Bomber."

13 Q How many people were there?

14 A I can't recall specifically. I have been  
15 to several events at the Palladium.

16 Q Well, if I suggest to you that there were several  
17 thousand people there, does that refresh your memory?

18 A I don't think there were several thousand.

19 Q More than 1,000?

20 A Probably or I would say maybe around 1,000,  
21 just looking back at it.

22 Q And were tickets being sold for this event?

23 A I think so. I don't know.

24 Q How much were the tickets?

25 A I don't know.

26 Q What were the tickets for?

27 A I don't know.

28 Q Was it to raise money for the Safe Environment

1 Fund to defend Mary Sue Hubbard.

2 MR. HARRIS: What is the relevance of that, Your  
3 Honor?

4 THE COURT: I assume it is preliminary to something  
5 else. Overruled.

6 THE WITNESS: It could be for the safe environment  
7 fund. I am not totally sure of the purpose of the safe  
8 environment fund.

9 Q BY MR. FLYNN: Did you see promotional material  
10 in connection with that event?

11 A Yes.

12 Q What was the promotional material?

13 A It was a poster with duplication of the  
14 "Dive Bomber" original poster on it.

15 Q And was it promoted on the basis that L. Ron  
16 Hubbard wrote the movie script for the "Dive Bomber?"

17 MR. HARRIS: Was it promoted? This is far beyond the  
18 scope of direct and far beyond the circumstances of the  
19 meeting of Garry Armstrong.

20 THE COURT: Well, testing his recollection, I  
21 suppose. Overruled.

22 THE WITNESS: What was the question?

23 Q BY MR. FLYNN: Was it promoted on the basis  
24 that L. Ron Hubbard wrote the movie script for the movie  
25 the "Dive Bomber"?

26 A I don't recall the exact specifics that were  
27 on the posters.

28 Q Why did you go?

1           A           Because I was given a ticket.

2           Q           Did you see the movie?

3           A           Yeah.

4           Q           Was it your understanding that L. Ron Hubbard  
5 wrote the movie script?

6           MR. HARRIS: Understanding based upon what?

7           THE COURT: I will sustain the objection.

8           MR. HARRIS: Thank you.

9           Q           BY MR. FLYNN: Did you believe that L. Ron  
10 Hubbard wrote the movie script?

11          MR. HARRIS: Same objection.

12          THE COURT: Overruled; you can answer if you can  
13 remember.

14          THE WITNESS: I think it was at the time, yes.

15          Q           BY MR. FLYNN: Do you know who Mr. Armstrong's  
16 senior was?

17          A           I think it was Laurel Sullivan.

18          Q           Was it your understanding that they were in  
19 charge of the biography project in terms of research?

20          A           Yes.

21          Q           And that Mr. Armstrong was collecting  
22 documents for that project?

23          A           Yes, also there was a museum. I was told  
24 there was plans for a museum, also.

25          Q           Have you examined the contents of any  
26 documents under seal?

27          A           What do you mean by "examined"?

28          Q           Read.

1           A        I have read some of them, yes.

2           Q        What have you read?

3           A        I don't recall specifically.

4           Q        Do you recall anything?

5           A        Yeah.

6           Q        What do you recall?

7           THE COURT: Well, without going into the details,  
8 maybe you can describe generally what you read, may have  
9 read.

10           THE WITNESS: It was a copy of the book "Excalibur"  
11 which I read a few pages of. There was some correspondence  
12 between LRH and his attorneys. There was piece of correspondence  
13 between LRH and I think it was a person who was handling some  
14 PR aspect for him in the late '60's or early '60's or something  
15 like that.

16                    There were other items also. I can't recall  
17 specifically what I read.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Q Did you ever meet Omar Garrison?

2 A No.

3 Q Did you testify on direct that the manuscript  
4 Excaliber has not been published has not been published?

5 A I don't believe I did.

6 Q You don't remember whether you did or didn't?

7 A I don't think I did say anything about that.

8 Q Do you know whether the manuscript Excaliber has  
9 been published?

10 A I don't have any direct knowledge, no.

11 Q Are you familiar with the book called "Dianetics  
12 and Scientology Technical Dictionary" by L. Ron Hubbard?

13 A Yes.

14 Q Have you read it?

15 A Part of it.

16 Q Have you read the part relating to Excaliber?

17 A I could have at some point. I don't recall.

18 Q Have you read the part that, ". . .most has been  
19 released in HCOBs, PLs and books"?

20 MR. HARRIS: I'll object. If Mr. Flynn is reading  
21 from a book, Your Honor --

22 THE COURT: I'll sustain it.

23 If you are about through with this witness,  
24 we'll go on and finish. If not, we'll take a recess.

25 MR. FLYNN: Your Honor, we can take a short recess --

26 THE COURT: It will be a long one.

27 MR. FLYNN: Well, Your Honor --

28 THE COURT: We'll see. Go ahead for a few minutes.

1 Q BY MR. FLYNN: Do you contend as a  
2 representative or a witness for the plaintiff that the  
3 manuscript Excaliber has not been published?

4 MR. HARRIS: He does not contend anything, Your Honor.

5 THE COURT: I'll sustain the objection.

6 Q BY MR. FLYNN: Who is Andrew Linarcic?

7 A It is Linarcic.

8 He is a staff member of the church.

9 Q Is he currently -- When you say "the church,"  
10 which church?

11 A I'm not sure which church.

12 Q Do you know what his position is?

13 A No.

14 Q Have you ever met him?

15 A Yes.

16 Q Have you ever worked with him?

17 A Yes, actually.

18 Q And in what capacity did you work with him?

19 A He worked for me for a short period.

20 Q What period?

21 A From August -- I think it was a couple of weeks  
22 in August of '83.

23 Q Did he work for you in August '82?

24 A No.

25 Q Do you know what his post was then?

26 A I'm not sure of the date.

27 Q Well, do you know whether he was in charge of  
28 the archive material of the church concerning L. Ron



1 Hubbard, Dianetics and Scientology?

2 A I don't think that is true, no.

3 Q What are the technical archives?

4 A Well, there are basically the controller  
5 archives or that portion of the controller archives that  
6 deals with the works of L. Ron Hubbard pertaining to  
7 Scientology. It is philosophy. It has certain technical  
8 procedures regarding the spirit and that type of thing.

9 Q Mr. Armstrong gave you many documents to put  
10 into controller archives; didn't he?

11 A It depends on how you mean "many." Relative  
12 to --

13 Q How many did he give you?

14 A He gave me several file folders plus some  
15 charts, a few tapes, that type of thing.

16 Q He gave you those because controller archives  
17 are basically technical archives relating to L. Ron  
18 Hubbard's writings; is that correct, as opposed to his  
19 personal biographical materials, Mr. Vorm?

20 A That was basically the original intention of the  
21 controller archives.

22 Q Right; that the controller archives related to  
23 technical writings and the biographical archives related to  
24 personal biographical materials; isn't that correct?

25 A Well, that is like the original intention;  
26 however, that is not exactly the way it was in practicality.

27 Q Well, did Mr. Armstrong collect personal  
28 biographical materials?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A Yes.

Q Did you collect technical writings?

A Yes.

Q Did Mr. Armstrong turn over technical writings to you?

A Yes.

Q Did you turn over personal biographical materials to Mr. Armstrong?

A Yes.

1 Q And was Mr. Linarcic in charge of the archive  
2 material relating to L. Ron Hubbard, Dianetics and  
3 Scientology?

4 A No.

5 Q Do you know what Mr. Linarcic's present post is?

6 A No.

7 Q Do you know where he is?

8 A No.

9 Q When did you last see him?

10 A Three months ago.

11 Q Where?

12 A Walking down the street, on the sidewalk.

13 Q Is he still a staff member of the Church of  
14 Scientology?

15 A I don't know. I assume so, but I don't know.

16 Q Do you know that he filed an affidavit in this  
17 case at the beginning of the case?

18 A I am not sure. I may have -- maybe he told me.  
19 I don't recall exactly.

20 Q Well let me show you the affidavit and ask you  
21 if you have read it.

22 A Okay.

23 Q Have you read that, sir?

24 A Not prior to just now, no.

25 Q You had never read it before?

26 A No.

27 Q Having read it, are the contents of that to your  
28 knowledge accurate?

1 A I didn't finish reading the whole thing.

2 Q Would you do so, please.

3 A Okay.

4 Q To your knowledge, is that affidavit accurate?

5 A I don't really have personal knowledge on some  
6 of these points, so I can't --

7 Q Well, did the Church of Scientology of California  
8 to your knowledge own the archives material?

9 A I don't have knowledge on that exact legal  
10 ownership.

11 Q Mr. Linarcic worked for you in the summer of  
12 1983?

13 A That's right.

14 Q He was your junior?

15 A That's right.

16 Q Would he have had knowledge to your knowledge of  
17 who owned the documents?

18 MR. HARRIS: Well --

19 THE COURT: I will sustain the objection.

20 I think we will take a recess at this time. We  
21 will reconvene tomorrow morning at 9:00 o'clock. The  
22 witness is ordered to return at that time.

23

24 (At 4:10 p.m. an adjournment was taken,  
25 to be resumed at 9:00 a.m., Friday,  
26 May 4, 1984.)

27

28